

HOUSE OF REPRESENTATIVES—Thursday, November 13, 1997

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we approach this Thanksgiving season with the joy and happiness of reunion with family and friends, we offer our prayer of thanksgiving to You, oh God, for the wonder and beauty and splendor of the gifts that you have given us.

For family who support us, for friends who share their affection, for the opportunities of work and service, for the gifts of faith and hope and love, we offer these words of praise. May Your benediction be ever with us, may Your blessing never depart from us, and may Your words of grace remain with us always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina [Mrs. CLAYTON] come forward and lead the House in the Pledge of Allegiance.

Mrs. CLAYTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize fifteen 1-minutes on each side.

GAMING INDUSTRY EMPLOYEE IMPACT SURVEY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, sometimes even through the fog of Washington the truth shines through.

Last week, I distributed to all my colleagues a study completed by the accounting firm of Coopers & Lybrand that indicated the numerous positive contributions made by the gaming industry to their employers and employees and the surrounding community as well.

The goal of the survey was to receive direct feedback from the industry employees themselves, and the results are truly a positive reflection of the advantages of the casino gaming industry.

Of the 178,000 gaming employees surveyed, 8.5 percent said they had left welfare due to their casino job. A further 63 percent of those surveyed said that they had a better health care coverage now than at their previous job.

Mr. Speaker, the results of the Gaming Industry Employee Impact Survey demonstrate the significant positive impact casino gaming has had on many families and communities across the country. I urge each of my colleagues to look over this survey to learn of the positive impact that the gaming industry has had on its employees.

LEVI STRAUSS LAYS OFF 6,400 WORKERS WHILE ONE EXECUTIVE GETS \$127 MILLION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, last week Levi Strauss laid off 6,400 workers, mostly women, most of them making between \$5.50 and \$7.50 an hour. But last year, according to the San Francisco Chronicle, Levi Strauss gave its No. 2 executive, Thomas Tusher, \$105.8 million in stock options. Then it threw in another \$21.5 million as a bonus to offset taxes. Mr. Speaker, 6,400 people lose their job, one executive gets \$127 million.

My colleagues have heard of golden parachutes? Well, this, Mr. Speaker, is a platinum parachute, and meanwhile 6,400 people are looking for work. This has got to stop.

TRIBUTE TO MAJ. GEN. RONDAL H. SMITH

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I rise this morning to pay tribute to my good friend, Maj. Gen. Rondal H. Smith, who is retiring next week from his post as commander of the Warner Robins Air Logistics Center in Georgia.

As one of our country's leading experts in logistics, he assumed the command at Robins in June 1995 and has led Robins through what could probably be the most challenging 2½ years in the ALC's history.

His commitment to top quality work and community support was no more

evident than when Robins Air Force Base was awarded the C-5 contract. General Smith, aided by the talented folks at Team Robins, put together an innovative bid which will save American taxpayers over \$190 million while ensuring a bright and productive future for the Robins Air Logistics Center and the Warner Robins community alike.

As General Smith says goodbye next week to the Air Force he has so faithfully served, he can leave knowing that America is a safer and better place because of his distinguished career. I thank Ron for the contribution he has made to his community, his State, and above all, to his country. It has been a great honor to have worked with him over the last several years. He should know that he will be deeply missed, and I wish him and Debbie the very best as he enters the world of civilian life.

DEPENDABLE, AFFORDABLE, HIGH-QUALITY CHILD CARE NEEDED

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, as we are about to adjourn this year, we have many issues that remain to be dealt with, but one in particular I want to lift up is the whole issue of child care.

Recently, the President had a conference on child care, and certainly child care is an important, needed commodity for millions of children whose parents work outside the home. I am delighted that the President indeed focused the administration on this issue, but I am also saddened that we have not gone further here in Congress ourselves.

More than 12 million children under the age of 5, including half of the infants under the age of 1 year of age, spend at least part of their day each day away from their home. A well trained, competent child care provider is crucial to the health and the welfare of our children. There are millions of additional children under the age of 12 in the United States who are in some form of child care at the beginning or at the end of their school day. Working parents, regardless of their income, including working parents of poor and welfare-to-work, are beginning to find it far more difficult to find high quality day care.

The availability of child care that is reliable and convenient is essential if we are going to have opportunities for our children.

SUPPORT THE TERMINATION OF THE INTERNAL REVENUE CODE

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, I am proud to be able to report to the people of eastern North Carolina that when it comes to providing real relief for the American taxpayer, this Congress is finally taking steps in the right direction.

Last week, the House passed an IRS reform bill giving taxpayers new and important protection in their dealings with the IRS. This legislation represents a significant step toward providing the American people with the relief they deserve from their unfair tax burden, but it is not enough. In order to truly act in the best interests of the taxpayers, this Congress should abolish the lengthy and complicated Tax Code and create a shorter, more concise Tax Code.

I urge my colleagues to continue to work for real tax reform and to support the termination of the Internal Revenue Code. Let us give the American people a simpler and fairer tax system. The taxpayers deserve relief.

CALLING FOR INVESTIGATION, NOT COMPENSATION, OF MEXICAN GOVERNMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 80 percent of all drugs in America comes through Mexico. Heroin use by 12 to 17-year-olds is at a record level. Our border patrol agents are being shot at every day. Even the life of America's Drug Czar, General McCaffrey, has now been threatened by the Mexican drug cartel. And after all this, Mexican President Zedillo says he blames the drug problem on America and wants America to compensate Mexico for all of the garbage we are causing.

Unbelievable. Our borders are wide open, our kids are strung out, our prisons overloaded, and Mexico wants to be paid for it.

Beam me up. If this is a war on drugs, I am a fashion leader.

What is next, Mr. Speaker? Foreign aid for Saddam Hussein?

Do we have any brains left?

I say we should investigate the Mexican Government not compensate them.

TOWN MEETING TOPIC: UNFAIR ABUSE OF POWER BY IRS

(Mr. PAPPAS asked and was given permission to address the House for 1 minute.)

Mr. PAPPAS. Mr. Speaker, the American people are willing to pay taxes, they are willing to pay their fair

share, but what they are not willing to do is to pay unfair taxes. And, Mr. Speaker, as one of my colleagues mentioned just a few moments ago, we passed just this past week a bill to reform the IRS.

This Saturday, I along with many of my colleagues are holding open houses or town meetings. I am holding five in the 12th District in central New Jersey, and I hope that viewers from my district that may see this may call my office to participate, talk about what they view as unfair abuse of power that the IRS may have taken, and to seek my help in trying to cut through some redtape. I would encourage people to call my office, 908-284-1138.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). The Member is reminded not to address the television audience during 1-minute speeches.

CAMPAIGN FINANCE REFORM NOT ADDRESSED

(Mr. SNYDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, we are going to recess today probably until the end of January, and unfortunately we did nothing in this session of Congress on campaign finance reform. So I can clarify the state of the law as we are leaving it when we go home today, this check from my friend, I am a big donor, for \$1 billion to the political party of her choice is still good and perfectly legal. So what does that mean to Americans out there? It means if you are a family of four making \$30,000 a year, it is still legal for you to give a check for \$1 billion to the political party of your choice. If you are a small business person or a farmer grossing \$100,000 a year, it is still perfectly legal for you to give \$1 billion in soft money donations to the political party of your choice. If you are a retiree on fixed income watching your pennies every month, it is still completely legal for you to give \$1 billion to the political party of your choice.

Why is it still legal? Because of inaction in this session of Congress by the Republican leadership in this House. It is wrong, Mr. Speaker. It needs to change. We need to do something about campaign finance reform next session.

OBEY EXISTING CAMPAIGN FINANCE LAWS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. I listened with great interest, Mr. Speaker, to my colleague and friend from Arkansas, and again I would simply say to my friend, so passionate today about reforming campaigns, that first things should come first, and it is to obey existing law. Because, you see, Mr. Speaker, it is already illegal for noncitizens to come into this country and try to buy influence in our political parties, and it is already illegal for Federal office holders to use their offices, including those at the White House, to solicit donations.

You see, friends, it is really simple: If people would obey existing law, much more would be done, much more would be achieved. So even as we join in this call for meaningful campaign finance reform, let it not be lost upon this House or upon the American people that the first act of business should be to obey existing law.

ALL TALK AND NO ACTION ON CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, how strange that so many Republicans disagree with my friend from Arizona. They are convening a press conference right now to propose their campaign finance reforms. And is it not strange that they decided to propose them as this Congress adjourns? Because they reject the hopes of the American people that we might have reform in time for the next elections.

They do not want reform, they want the same sorry system that we have right now, the same sorry system that allowed them to dump in \$1 million of attack ads in a single election in Staten Island earlier this month; \$1 million, in addition to all the resources the Republican candidate had, the same Republican Party that was happy to accept \$1.8 million from a single family for various Republican front organizations last year.

It is outrageous that we have a campaign finance system that allows big money special interests to maintain a stranglehold on this Congress, and these Republicans will not do a thing about it. They promised to bring up campaign finance reform this fall, and they broke that promise to the American people. They are adjourning today, adjourning the hopes of the American people for reform.

TAXES STILL TOO HIGH

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, this Congress has worked hard to balance the

budget, reduce taxes on American families, and we passed the first balanced budget since 1969. We gave American families their first tax cut in 16 years. But while we have made some progress, let us face it, taxes are still too high, and the Federal Government still spends too much.

This past weekend my legislative director Kevin Fitzpatrick and his wife Pam became the proud parents of a new baby girl, Elizabeth Ann Fitzpatrick. I have been honored to be asked to be the child's godfather. I am really proud of that. I know Elizabeth is very happy to be the newest member of the Fitzpatrick family, joining brother Spike and sister Katie. But when she learns over her lifetime she is going to have to pay almost \$200,000 in taxes just to pay the interest on our national debt, then she is going to be justifiably upset.

Mr. Speaker, children like Elizabeth should not be faced with this burdensome debt from the day they are born. Now that we are close to balancing the budget, this Congress should work to reduce our national debt so little kids like Elizabeth are not going to have to pay these huge amounts in taxes over their lifetime. Let's reduce taxes on our people.

STAY AND FINISH WORK

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, Democrats have spent the past 11 months fighting for legislation that would help America's working families. Democrats have worked to improve America's public schools while Republicans tried to pass a voucher program, a proposal that would siphon off taxpayer dollars, hard-earned taxpayer dollars, to fund an experiment to take kids out of public education and fund private education in this country.

Democrats have fought to reform America's political system, while Republicans have refused to even debate campaign finance reform. They do not want to reform the system, they want to talk about it.

Democrats have demanded an end to the Dornan-Sanchez investigation, while Republicans have prolonged this taxpayer-funded political witch hunt.

Now the Republicans want to pack their bags, head home, but important work is left to be done in this Congress: education reform; IRS reform, which is stuck in the other body because the Republicans do not want to move it; campaign finance reform. We should not leave until our work is complete.

EXCUSES FOR BREAKING THE LAW

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, here is a big surprise: The wife of John Huang has joined the growing legions of people under investigation for campaign finance lawbreaking who have either fled the country, taken the fifth amendment, or otherwise come up with amnesia about raising money from foreign citizens.

This is not big news to most of the major media, of course. After all, it appears that most of the time all they do is read their nightly newscast straight off DNC press releases. In fact, I have a hard time telling the difference between liberal reporting on the campaign finance hearings and what the expert "spinmeisters" at the White House are saying.

We have heard some great excuses, from "everybody does it," to "we had to cheat. Otherwise, Republicans would have won." Maybe some of the best excuses are these two: "Sure, I broke the law, but it is the system's fault, and we need to reform it." Then there is this one: "I don't care if they broke the law. The Republicans are on a witch hunt."

Right. I wonder if the reforms the other side has in mind will continue to consider taking foreign money as a crime.

DEFINING VOTE ON EDUCATION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, last week this House took a defining vote for public schools in this country. By a vote of 228 to 191, we defeated a risky voucher scheme to take tax money out of our public schools to finance private schools. I am pleased my colleagues took this stand in defense of our school children and our Nation's public schools. Taking tax money out of our public schools and giving it to private schools and turning our backs on our public schools is wrong.

I call on my colleagues to defend, protect and strengthen our public schools. As a cochair of the Education Task Force, I know what we must do to strengthen education for all of our children. We must help set high standards of excellence in education. We must empower teachers, parents, and students to achieve these high standards. We must rebuild crumbling schools and build new schools to relieve overcrowding. We must strengthen professional development for our teachers. We must get back to the basics in core subject areas, and we must encourage character education and ensure that every child can attend a school that is safe from violence and free of drugs.

This House did the right thing in defeating vouchers, and now we must

move forward to strengthen our public schools for every child in America.

BIPARTISAN SPIRIT GOOD FOR AMERICA

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, this congressional session conclusion reminds me of the wonderful changing seasons on the Illinois prairie. Each year we are amazed by the God-given change in seasons, which works so well and even survives the most intense of storms to work together for the benefit of all of us here on Earth. When this Congress works together, it is like nature in harmony. We achieve much.

While much was done in this first year of the 105th Congress, let us pledge to come back and complete the unfinished work which we will address in the next year. Let us cut down a little bit on the harsh rhetoric and the stringent remarks. Let us just work together. It is good for all of us.

MEDICAID ATTENDANT COMMUNITY SERVICES ACT

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to declare my enthusiastic support for H.R. 2020, the Medicaid Attendant Community Services Act. This bill is of vital importance, because in all of our districts and throughout America, there are hundreds and thousands of people who have been taken from their families, stripped of their assets, and deprived of their basic human rights because they have disabilities or chronic health conditions. Our current system of disbursing Medicaid funds encourages and rewards this injustice.

I recently met with a group of my constituents with disabilities that are physically challenged. Many had lived in nursing homes, not because they had wanted to, but because our system gave them no other choice. They simply want to live independently. H.R. 2020 will give them the opportunity to do just that.

OUTRAGE OVER CRITICISM OF MARINE CORPS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I rise in outrage. I may not be able to finish this 1-minute, but I am reading an article in this morning's paper which says "Top Army Woman Calls Marine Corps 'Extremist.'"

"Sara Lister, the Army's top personnel official, in a public forum called the Marines 'extremists' and 'a little dangerous.'"

"Mrs. Lister, the Assistant Secretary of the Army for Manpower and Reserve Affairs, also belittled the Marine Corps uniform."

Mrs. Lister told an October 26 seminar, "The Marines are extremists. Wherever you have extremists, you get some risk of total disconnection with society, and that is a little dangerous."

Mr. Speaker, let me just try to settle down here for a minute and just quote Gen. Charles Krulak, the Commandant of the Marine Corps, when he said in responding to this article, "Such a depiction would summarily dismiss 222 years of sacrifice and dedication to the Nation. It would dishonor the hundreds of thousands of Marines whose blood has been shed in the name of freedom. Citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend this Nation, never to return. Honor, courage, and commitment are not extreme."

Mr. Speaker, this is the most outrageous thing I have ever heard. Later today I will be introducing a resolution which will come to this floor calling for this person's resignation on behalf of all marines.

MANAGED CARE REFORM NEEDED

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, as we end this session of Congress, we need to celebrate our successes, but also recognize our failures.

Many Americans are concerned about the status of their health care. They worry that in an emergency their managed care provider will not pay for the needed services. If a person has chest pains, how do they know it is indigestion instead of a heart attack? And yet, managed care may not pay for it. People are worried that nonmedical professionals are making their medical decisions instead of their doctors.

Congress should have passed a managed care reform bill that protects patients and still keeps costs low. We need to ensure that all managed care patients are covered by consumer protections and have greater choice in deciding the type of health care they receive.

If we truly believe in consumer choice, we must give workers more than the one option that their employers provide them, including greater access to specialists.

Mr. Speaker, Americans are beginning to believe they are being herded through our health care system, and they are starting to lose trust in it. We should pass legislation next year that provides needed consumer protections

for health care. We should have passed it in 1997, but maybe we will do a better job next year.

U.S. MARINES, ANYTHING BUT EXTREMISTS

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, I too would like to take a minute to address the House on the words of Sara Lister, the top personnel officer at the Pentagon for the U.S. Army, in her remarks about naming Marines as "extremists."

What I would like to say is that I am a former Marine. I enlisted when I was 18 years old because I wanted to see the world. The people that I met throughout the 4 years I served in the Marine Corps in the middle 1960's were anything but extremists. For the most part, they were gentle, young kids, who wanted to find adventure, wanted to serve their country, wanted to do something. They were curious about the world.

As they went through their service in the Marine Corps, they raised money for toys for poor children. In combat, they put their life at risk delivering babies. They found lepers in the jungles, and they dealt with the strange disease.

Mr. Speaker, the Marine Corps is made up of individuals who are like every average American.

D.C. APPROPRIATIONS BILL NOT PERFECT

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, last night's happy passage of the D.C. appropriation was marred for me and many who had helped me by the omission of relief for Haitians from an attachment to my appropriation.

□ 1030

Frankly, it looked awful. Whatever the intent, we are left with black immigrants out and other similarly situated immigrants in.

I am prepared to believe that discrimination was not intended if we quickly make good on the promise to correct this exclusion. The administration promises to use its prosecutorial authority to keep Haitians from being deported while Congress is out.

What will we do when Congress comes back? The very first week we must make good on the promise that emerged from the immigration negotiations. The leadership should come from the Hispanic caucus, where relief was most keenly felt, and from the Black caucus. But the burden is on this

entire body. Discrimination or the appearance of discrimination has no place in a great legislative body. Early action to obtain equal treatment for Haitian immigrants is the way to show it.

TIME TO FOLLOW EXISTING CAMPAIGN FINANCE LAWS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it is time for a little history lesson. This lesson is both for my liberal friends on the other side of the aisle, as well as for my unbiased, fair-minded friends in the media who are so enamored of campaign finance reform.

Every single day I see a story on the news about how we need campaign finance reform, an almost identical tale to that which is heard in this very body from the other side of the aisle.

It is obvious that our supporters of reform forget that all of the scandals of political corruption in 1974 resulted in precisely the campaign reforms that exist today, the same laws that these same reformers now want to change.

My guess is that the main problem is not that the law needs to be changed, but that we need to follow the law. Now, there is a radical idea. Imagine if the other side actually followed the law, abided by the contribution limits, and disclosed their fund-raising practices instead of having to give back millions of dollars after they have won the election.

But liberals never learn from history, and the very same reforms of today will be replaced by equally useless reforms in the face of lawbreakers tomorrow.

CAMPAIGN FINANCE REFORM

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, while we have had many accomplishments on health care, on education, on small business and individual tax credits, we still have one of our accomplishments yet to come and that is with campaign finance reform.

In the last Congress we had 32 Members who signed a discharge petition that would have forced the issue to be addressed on the House floor. In this Congress, we are making progress. There are 187 Members that have signed this discharge petition. This is very important if we are going to regain the trust of the American people in their political process. It has to be done for the public interest and not special private interest.

Also, in Maine we began the Maine Code of Ethics. The code of ethics was

signed by candidates of both parties running for office to adhere to principles that they would be discussing the issues, to be engaging the public and not to be turning the public off.

While we are reforming the process with campaign finance reform, we must also remember the product of those campaigns and also reform the product. So along with the process, we have product.

SWIFT PUNISHMENT FOR TERRORISTS IN PAKISTAN

(Mr. BRADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY. Mr. Speaker, as my colleagues know, a terrible tragedy occurred on Tuesday in Karachi, Pakistan. A car containing four Americans from Houston, TX, and their driver was ambushed. Reportedly, a car came up from behind the vehicle in which the employees of Union Texas Petroleum were riding, fired upon the car and forced it off the road. At that point the gunmen calmly fired more than a dozen bullets through the car's windshield, killing everyone instantaneously.

This terrorist attack is an absolute outrage, and while the investigation has just begun, it is widely believed that this is in response to Monday's conviction here in America of the Mir Aimal Kasi in United States court for the 1993 shooting of two of our CIA agents in Virginia. America's justice in no way should justify this behavior in Pakistan, and unfortunately this is not the first terrorist attack on Americans in that country.

Our thoughts and our prayers go to the families of this attack. They were good people who did not deserve to die, and they will be sorely missed.

Mr. Speaker, the greatest tribute America can pay them is to find and punish those who were responsible for this attack, and do the greatest we can do to protect the lives of other innocent Americans abroad.

MAKING 1998 THE YEAR OF THE CHILD

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, today Congress is scheduled to adjourn for 1997. It is a good day to assess what we have done this year for American children and what issues we need to pursue more vigorously next year.

This year, Democrats succeeded in forcing the Republican majority to provide \$24 billion in health care for uninsured children. We fought to protect public education from the majority's radical voucher experiments and anti-education block grants. My colleagues, the gentlewoman from Connecticut

[Ms. DELAULO], the gentleman from Maryland [Mr. HOYER], the gentlewoman from Maryland [Mrs. MORELLA] and I succeeded in crafting legislation that gives our children the support they need during their first 3 years of life to grow up healthy and develop to their fullest potential.

But there is so much more that needs to be done. I have urged the President to make early childhood development issues the centerpiece of his State of the Union address next year. I urge my colleagues from both sides of the aisle to join Representatives DELAULO, HOYER, MORELLA and me in sending the President legislation early next year that gives our kids access to affordable, high-quality child care and early education programs. Let us agree today to make 1998 "The Year of the Child."

COFFEE MAY CAUSE CURIOUS BEHAVIOR

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, a lot of our friends on the left today and in the past several weeks have been talking about campaign finance reform. I wonder if any of them sees the great irony in the administration's sense of curiosity.

On the one hand, White House political operatives seem to have such an extraordinarily developed sense of curiosity that they miraculously ended up with 900 confidential FBI files on their political enemies. But on the other hand, the White House seems to have little curiosity about the possibility that John Huang might have seriously compromised national security while working for the Commerce Department in his capacity, apparently, as foreign fundraiser-in-chief.

What is even more remarkable that every single Democratic Senator, with one exception, investigating some of these events seems to have a lack of curiosity about exactly how much money the liberal group was able to funnel into the 1996 Presidential campaign.

Maybe all of this curiosity is entwined with some of these folks having attended some of these White House coffees. Maybe there is something in the coffee that makes them curious on the one hand, but then lose their curiosity on something else, and maybe that is something that should be investigated as well.

TRIBUTE TO REV. DR. JOSEPH LOWERY

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, I rise today to honor Rev. Dr. Joseph Lowery, who will retire in January on the anniversary of Martin Luther King Jr.'s birthday.

For over 30 years Dr. Lowery's was the voice of equality, reason and self-reliance both in this country and abroad. Dr. Lowery is best known for his leadership of SCLC, which he co-founded with Rev. Martin Luther King Jr., in 1957. Since then his life and his career have become synonymous with justice, equality, and human rights.

From the early days of the civil rights movement in Mobile, AL, to the founding of the SCLC in 1957, to the extension of the Voting Rights Act in 1982, and on to the fight against apartheid in South Africa, Dr. Lowery's views, voice, and vision have guided two generations of civil rights activism. Even in his retirement, Dr. Lowery will continue to guide and inspire us in our fight for equality, justice, and human dignity for many years to come.

Reverend Lowery, Mrs. Lowery, I wish you the best in your retirement.

SEND IN THE MARINES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, at first the Democrat leader, TOM DASCHLE, said he knew of no Americans who were overtaxed, and then the President of the United States, Bill Clinton, said he thought the people of Virginia were selfish for wanting to keep more of their own money rather than send it to expert Washington bureaucrats.

But now a top Democrat woman in the Pentagon says that the U.S. Marines are extremists. Now, think about this. Monday was the Marine Corps birthday, a great, proud, fighting outfit that has been in the battles and the wars fought for our freedom throughout the history of America, and yet here is what Democrat Sara Lister says: "The Marines are extremists. Whenever you have extremists, you have some risk that a total disconnection with society will take place, and that is very dangerous."

Well, I will say this to Ms. Lister. Although I do not know you and I was not a Marine, I would ask you this. Have you ever dug in a foxhole? Have you ever had dirt in your face? Have you ever had the blood splattered on your uniform of a buddy as he or she lies dying, and did that blood splatter make a permanent star on your emotions?

I say, Mr. Speaker, send in the Marines; send out Sara Lister. Let us have her resignation today.

IRS REFORM

(Mr. GRAHAM asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GRAHAM. Mr. Speaker, Americans who take an increasingly cynical view of politics and politicians often claim that politicians are all the same, and those who do not vote justify their passivity by saying it does not matter. Half the people in America who are eligible to vote choose not to, and there is something that we need to address.

There is an issue on the radar screen of most Americans called reforming the IRS. Hopefully we can convince folks that we are serious about changing Washington.

The Democratic Party had Washington for 40 years and there has been no major effort during that period of time to change the way we tax the American people and the way the IRS works. We have been in town for 3 years, and there are major overhauls of the IRS looming and some have come to fruition, with the help from the Democratic Party, which convinces me if we pick the right issue and drive it hard, people will come our way. Now the IRS has to prove that one has done something wrong; one does not have to prove oneself innocent.

I would ask every taxpayer in this country to watch this debate, closely follow who is leading it, and I can promise that the Republican Party is going to take our hopes and dreams for a new Tax Code for a new century and we are going to boldly go forward, and I hope our colleagues in the Democratic Party will join us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken later in the day.

ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. SHAW. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 327), providing for the consideration of the bill H.R. 867 and the Senate amendment thereto.

The Clerk read as follows:

H. RES. 327

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 867 and an amendment of the Senate thereto and to have concurred in the amendment of the Senate with an amendment as follows: in lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) **SHORT TITLE.**—This Act may be cited as the "Adoption and Safe Families Act of 1997".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

Sec. 101. Clarification of the reasonable efforts requirement.

Sec. 102. Including safety in case plan and case review system requirements.

Sec. 103. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.

Sec. 104. Notice of reviews and hearings; opportunity to be heard.

Sec. 105. Use of the Federal Parent Locator Service for child welfare services.

Sec. 106. Criminal records checks for prospective foster and adoptive parents.

Sec. 107. Documentation of efforts for adoption or location of a permanent home.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

Sec. 201. Adoption incentive payments.

Sec. 202. Adoptions across State and county jurisdictions.

Sec. 203. Performance of States in protecting children.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

Sec. 301. Authority to approve more child protection demonstration projects.

Sec. 302. Permanency hearings.

Sec. 303. Kinship care.

Sec. 304. Clarification of eligible population for independent living services.

Sec. 305. Reauthorization and expansion of family preservation and support services.

Sec. 306. Health insurance coverage for children with special needs.

Sec. 307. Continuation of eligibility for adoption assistance payments on behalf of children with special needs whose initial adoption has been dissolved.

Sec. 308. State standards to ensure quality services for children in foster care.

TITLE IV—MISCELLANEOUS

Sec. 401. Preservation of reasonable parenting.

Sec. 402. Reporting requirements.

Sec. 403. Sense of Congress regarding standby guardianship.

Sec. 404. Temporary adjustment of Contingency Fund for State Welfare Programs.

Sec. 405. Coordination of substance abuse and child protection services.

Sec. 406. Purchase of American-made equipment and products.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

(a) **IN GENERAL.**—Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

"(15) provides that—

"(A) in determining reasonable efforts to be made with respect to a child, as described

in this paragraph, and in making such reasonable efforts, the child's health and safety shall be the paramount concern;

"(B) except as provided in subparagraph (D), reasonable efforts shall be made to preserve and reunify families—

"(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and

"(ii) to make it possible for a child to safely return to the child's home;

"(C) if continuation of reasonable efforts of the type described in subparagraph (B) is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child;

"(D) reasonable efforts of the type described in subparagraph (B) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that—

"(i) the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);

"(ii) the parent has—

"(I) committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

"(II) committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

"(III) aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or

"(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent; or

"(iii) the parental rights of the parent to a sibling have been terminated involuntarily;

"(E) if reasonable efforts of the type described in subparagraph (B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with subparagraph (D)—

"(i) a permanency hearing (as described in section 475(5)(C)) shall be held for the child within 30 days after the determination; and

"(ii) reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child; and

"(F) reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described in subparagraph (B);".

(b) **DEFINITION OF LEGAL GUARDIANSHIP.**—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

"(7) The term 'legal guardianship' means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term 'legal guardian' means the caretaker in such a relationship."

(c) **CONFORMING AMENDMENT.**—Section 472(a)(1) of such Act (42 U.S.C. 672(a)(1)) is

amended by inserting "for a child" before "have been made".

(d) **RULE OF CONSTRUCTION.**—Part E of title IV of such Act (42 U.S.C. 670-679) is amended by inserting after section 477 the following:

"SEC. 478. RULE OF CONSTRUCTION.

"Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D)."

SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)(10)(B)—

(A) in clause (iii)(I), by inserting "safe and" after "where"; and

(B) in clause (iv), by inserting "safely" after "remain"; and

(2) in section 475—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "safety and" after "discussion of the"; and

(ii) in subparagraph (B)—

(i) by inserting "safe and" after "child receives"; and

(ii) by inserting "safe" after "return of the child to his own"; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting "a safe setting that is" after "placement in"; and

(ii) in subparagraph (B)—

(i) by inserting "the safety of the child," after "determine"; and

(ii) by inserting "and safely maintained in" after "returned to".

SEC. 103. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) **REQUIREMENT FOR PROCEEDINGS.**—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant (as defined under State law) or has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

"(i) at the option of the State, the child is being cared for by a relative;

"(ii) a State agency has documented in the case plan (which shall be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the child; or

"(iii) the State has not provided to the family of the child, consistent with the time period in the State case plan, such services

as the State deems necessary for the safe return of the child to the child's home, if reasonable efforts of the type described in section 471(a)(15)(B)(ii) are required to be made with respect to the child."

(b) **DETERMINATION OF BEGINNING OF FOSTER CARE.**—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) a child shall be considered to have entered foster care on the earlier of—

"(i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or

"(ii) the date that is 60 days after the date on which the child is removed from the home."

(c) **TRANSITION RULES.**—

(1) **NEW FOSTER CHILDREN.**—In the case of a child who enters foster care (within the meaning of section 475(5)(F) of the Social Security Act) under the responsibility of a State after the date of the enactment of this Act—

(A) if the State comes into compliance with the amendments made by subsection (a) of this section before the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with section 475(5)(E) of the Social Security Act with respect to the child when the child has been in such foster care for 15 of the most recent 22 months; and

(B) if the State comes into such compliance after the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with such section 475(5)(E) with respect to the child not later than 3 months after the end of the first regular session of the State legislature that begins after such date of enactment.

(2) **CURRENT FOSTER CHILDREN.**—In the case of children in foster care under the responsibility of the State on the date of the enactment of this Act, the State shall—

(A) not later than 6 months after the end of the first regular session of the State legislature that begins after such date of enactment, comply with section 475(5)(E) of the Social Security Act with respect to not less than 1/2 of such children as the State shall select, giving priority to children for whom the permanency plan (within the meaning of part E of title IV of the Social Security Act) is adoption and children who have been in foster care for the greatest length of time;

(B) not later than 12 months after the end of such first regular session, comply with such section 475(5)(E) with respect to not less than 2/3 of such children as the State shall select; and

(C) not later than 18 months after the end of such first regular session, comply with such section 475(5)(E) with respect to all of such children.

(3) **TREATMENT OF 2-YEAR LEGISLATIVE SESSIONS.**—For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(4) **REQUIREMENTS TREATED AS STATE PLAN REQUIREMENTS.**—For purposes of part E of title IV of the Social Security Act, the requirements of this subsection shall be treated as State plan requirements imposed by section 471(a) of such Act.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section or in part E of title IV of the So-

cial Security Act (42 U.S.C. 670 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating the termination of parental rights for reasons other than, or for timelines earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child, including cases where the child has experienced multiple foster care placements of varying durations.

SEC. 104. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 103, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard."

SEC. 105. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting "or making or enforcing child custody or visitation orders," after "obligations,"; and

(B) in subparagraph (A)—

(i) by striking "or" at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting "; or"; and

(iii) by inserting after clause (iii) the following:

"(iv) who has or may have parental rights with respect to a child,"; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting "; and"; and

(B) by adding at the end the following:

"(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E."

SEC. 106. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and"; and

(3) by adding at the end the following:

"(20)(A) unless an election provided for in subparagraph (B) is made with respect to the State, provides procedures for criminal records checks for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

"(i) in any case in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime

against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and

"(ii) in any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted; and

"(B) subparagraph (A) shall not apply to a State plan if the Governor of the State has notified the Secretary in writing that the State has elected to make subparagraph (A) inapplicable to the State, or if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State."

SEC. 107. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.

Section 475(1) of the Social Security Act (42 U.S.C. 675(1)) is amended—

(1) in the last sentence—

(A) by striking "the case plan must also include"; and

(B) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(2) by adding at the end the following:

"(E) In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems."

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

SEC. 201. ADOPTION INCENTIVE PAYMENTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670-679) is amended by inserting after section 473 the following:

"SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

"(3) the State is in compliance with subsection (c) for the fiscal year;

"(4) in the case of fiscal years 2001 and 2002, the State provides health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents; and

"(5) the fiscal year is any of fiscal years 1998 through 2002.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2)—

"(A) for fiscal years 1995 through 1997 (or, if the 1st fiscal year for which the State seeks a grant under this section is after fiscal year 1998, the fiscal year that precedes such 1st fiscal year); and

"(B) for each succeeding fiscal year that precedes the fiscal year.

"(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

"(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1995 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.

"(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEARS 1995 THROUGH 1997.—For purposes of the determination described in subparagraph (A) for fiscal years 1995 through 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

"(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or of any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with such a requirement.

"(d) ADOPTION INCENTIVE PAYMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

"(A) \$4,000, multiplied by the amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

"(B) \$2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated pursuant to subsection (h) for the fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

"(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year, multiplied by

"(B) the percentage represented by the amount so appropriated for the fiscal year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

"(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

"(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

"(g) DEFINITIONS.—As used in this section:

"(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

"(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

"(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means—

"(A) with respect to fiscal year 1998, the average number of foster child adoptions in the State in fiscal years 1995, 1996, and 1997; and

"(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

"(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means—

"(A) with respect to fiscal year 1998, the average number of special needs adoptions in the State in fiscal years 1995, 1996, and 1997; and

"(B) with respect to any subsequent fiscal year, the number of special needs adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary \$20,000,000 for each of fiscal years 1999 through 2003.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.

"(i) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

"(2) DESCRIPTION OF THE CHARACTER OF THE TECHNICAL ASSISTANCE.—The technical assistance provided under paragraph (1) may support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and may include the following:

"(A) The development of best practice guidelines for expediting termination of parental rights.

"(B) Models to encourage the use of concurrent planning.

"(C) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

"(D) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

"(E) Models to encourage the fast tracking of children who have not attained 1 year of age into pre-adoptive placements.

"(F) Development of programs that place children into pre-adoptive families without waiting for termination of parental rights.

"(3) TARGETING OF TECHNICAL ASSISTANCE TO THE COURTS.—Not less than 50 percent of any amount appropriated pursuant to paragraph (4) shall be used to provide technical assistance to the courts.

"(4) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed \$10,000,000 for each of fiscal years 1998 through 2000."

(b) DISCRETIONARY CAP ADJUSTMENT FOR ADOPTION INCENTIVE PAYMENTS.—

(1) SECTION 251 AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)), as amended by section 10203(a)(4) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subparagraph:

"(G) ADOPTION INCENTIVE PAYMENTS.—Whenever a bill or joint resolution making appropriations for fiscal year 1999, 2000, 2001, 2002, or 2003 is enacted that specifies an amount for adoption incentive payments pursuant to this part for the Department of Health and Human Services—

"(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed \$20,000,000; and

"(ii) the adjustment for outlays shall be the additional outlays flowing from such amount."

(2) SECTION 314 AMENDMENT.—Section 314(b) of the Congressional Budget Act of 1974, as amended by section 10114(a) of the Balanced Budget Act of 1997, is amended—

(A) by striking "or" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; or"; and

(C) by adding at the end the following:

"(6) in the case of an amount for adoption incentive payments (as defined in section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985) for fiscal year 1999, 2000, 2001, 2002, or 2003 for the Department of Health and Human Services, an amount not to exceed \$20,000,000."

SEC. 202. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.

(a) STATE PLAN FOR CHILD WELFARE SERVICES REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) contain assurances that the State shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children."

(b) CONDITION OF ASSISTANCE.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

"(e) Notwithstanding subsection (a), a State shall not be eligible for any payment under this section if the Secretary finds that, after the date of the enactment of this subsection, the State has—

"(1) denied or delayed the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or

"(2) failed to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of paragraph (1) of this subsection is denied by the State or not acted upon by the State with reasonable promptness."

(c) STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES.—

(1) IN GENERAL.—The Comptroller General of the United States shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions; and

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children.

(2) REPORT TO THE CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of the Congress a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

SEC. 203. PERFORMANCE OF STATES IN PROTECTING CHILDREN.

(a) ANNUAL REPORT ON STATE PERFORMANCE.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479A. ANNUAL REPORT.

"The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall—

"(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E to ensure the safety of children;

"(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;

"(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system;

"(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under this part; and

"(5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved."

(b) DEVELOPMENT OF PERFORMANCE-BASED INCENTIVE SYSTEM.—The Secretary of Health and Human Services, in consultation with State and local public officials responsible for administering child welfare programs and child welfare advocates, shall study, develop, and recommend to Congress an incentive system to provide payments under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq., 670 et seq.) to any State based on the State's performance under such a system. Such a system shall, to the extent the Secretary determines feasible and appropriate, be based on the annual report required by section 479A of the Social Security Act (as added by subsection (a) of this section) or on any proposed modifications of the annual report. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a progress report on the feasibility, timetable, and consultation process for conducting such a study. Not later than 15 months after such date of enactment, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the final report on a performance-based incentive system. The report may include other recommendations for restructuring the program and payments under parts B and E of title IV of the Social Security Act.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 1130(a) of the Social Security Act (42 U.S.C. 1320a-9) is amended to read as follows:

"(a) AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—The Secretary may authorize States to conduct demonstration projects pursuant to this section which the Secretary finds are likely to promote the objectives of part B or E of title IV.

"(2) LIMITATION.—The Secretary may authorize not more than 10 demonstration projects under paragraph (1) in each of fiscal years 1998 through 2002.

"(3) CERTAIN TYPES OF PROPOSALS REQUIRED TO BE CONSIDERED.—

"(A) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address barriers that result in delays to adoptive placements for children in foster care.

"(B) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address parental substance abuse problems that endanger children and result in the placement of children in foster care, including through the placement of children with their parents in residential treatment facilities (including residential treatment facilities for postpartum depression) that are specifically designed to serve parents and children together in order to promote family reunification and that can ensure the health and safety of the children in such placements.

"(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to address kinship care.

"(4) **LIMITATION ON ELIGIBILITY.**—The Secretary may not authorize a State to conduct a demonstration project under this section if the State fails to provide health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents.

"(5) **REQUIREMENT TO CONSIDER EFFECT OF PROJECT ON TERMS AND CONDITIONS OF CERTAIN COURT ORDERS.**—In considering an application to conduct a demonstration project under this section that has been submitted by a State in which there is in effect a court order determining that the State's child welfare program has failed to comply with the provisions of part B or E of title IV, or with the Constitution of the United States, the Secretary shall take into consideration the effect of approving the proposed project on the terms and conditions of the court order related to the failure to comply."

(b) **RULE OF CONSTRUCTION.**—Nothing in the amendment made by subsection (a) shall be construed as affecting the terms and conditions of any demonstration project approved under section 1130 of the Social Security Act (42 U.S.C. 1320a-9) before the date of the enactment of this Act.

(c) **AUTHORITY TO EXTEND DURATION OF DEMONSTRATIONS.**—Section 1130(d) of such Act (42 U.S.C. 1320a-9(d)) is amended by inserting ", unless in the judgment of the Secretary, the demonstration project should be allowed to continue" before the period.

SEC. 302. PERMANENCY HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by striking "dispositional" and inserting "permanency";

(2) by striking "eighteen" and inserting "12";

(3) by striking "original placement" and inserting "date the child is considered to have entered foster care (as determined under subparagraph (F))"; and

(4) by striking "future status of" and all that follows through "long term basis)" and inserting "permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will file a petition for termination of parental rights, or referred for legal guardianship, or (in cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement".

SEC. 303. KINSHIP CARE.

(a) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services shall—

(A) not later than June 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as "kinship care"); and

(B) not later than June 1, 1999, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) **REQUIRED CONTENTS.**—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race, and the relationship of the kinship care providers to the children);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as Medicaid and cash assistance);

(vi) the permanency plan for the child and the actions being taken by the State to achieve the plan;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) **ADVISORY PANEL.**—

(1) **ESTABLISHMENT.**—The Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, shall convene an advisory panel which shall include parents, foster parents, relative caregivers, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

(2) **DUTIES.**—The advisory panel convened pursuant to paragraph (1) shall review the report prepared pursuant to subsection (a), and, not later than October 1, 1998, submit to the Secretary comments on the report.

SEC. 304. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting "(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed \$5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)" before the comma.

SEC. 305. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.

(a) **REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.**—

(1) **IN GENERAL.**—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(6) for fiscal year 1999, \$275,000,000;

"(7) for fiscal year 2000, \$295,000,000; and

"(8) for fiscal year 2001, \$305,000,000."

(2) **CONTINUATION OF RESERVATION OF CERTAIN AMOUNTS.**—Paragraphs (1) and (2) of section 430(d) of the Social Security Act (42 U.S.C. 629(d)(1) and (2)) are each amended by striking "and 1998" and inserting "1998, 1999, 2000, and 2001".

(3) **CONFORMING AMENDMENTS.**—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is amended—

(A) in subsection (c), by striking "1998" each place it appears and inserting "2001"; and

(B) in subsection (d)(2), by striking "and 1998" and inserting "1998, 1999, 2000, and 2001".

(b) **EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.**—

(1) **ADDITIONS TO STATE PLAN.**—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking "and community-based family support services" and inserting ", community-based family support services, time-limited family reunification services, and adoption promotion and support services,"; and

(ii) in paragraph (5)(A), by striking "and community-based family support services" and inserting ", community-based family support services, time-limited family reunification services, and adoption promotion and support services"; and

(B) in subsection (b)(1), by striking "and family support" and inserting ", family support, time-limited family reunification, and adoption promotion and support".

(2) **DEFINITIONS OF TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.**—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended by adding at the end the following:

"(7) **TIME-LIMITED FAMILY REUNIFICATION SERVICES.**—

"(A) **IN GENERAL.**—The term 'time-limited family reunification services' means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care.

"(B) **SERVICES AND ACTIVITIES DESCRIBED.**—The services and activities described in this subparagraph are the following:

"(i) Individual, group, and family counseling.

"(ii) Inpatient, residential, or outpatient substance abuse treatment services.

"(iii) Mental health services.

"(iv) Assistance to address domestic violence.

"(v) Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.

"(vi) Transportation to or from any of the services and activities described in this subparagraph.

"(8) **ADOPTION PROMOTION AND SUPPORT SERVICES.**—The term 'adoption promotion and support services' means services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children, including such activities as pre- and

post-adoptive services and activities designed to expedite the adoption process and support adoptive families."

(3) **ADDITIONAL CONFORMING AMENDMENTS.**—

(A) **PURPOSES.**—Section 430(a) of the Social Security Act (42 U.S.C. 629(a)) is amended by striking "and community-based family support services" and inserting ", community-based family support services, time-limited family reunification services, and adoption promotion and support services".

(B) **PROGRAM TITLE.**—The heading of subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended to read as follows:

"Subpart 2—Promoting Safe and Stable Families".

(C) **EMPHASIZING THE SAFETY OF THE CHILD.**—

(1) **REQUIRING ASSURANCES THAT THE SAFETY OF CHILDREN SHALL BE OF PARAMOUNT CONCERN.**—Section 432(a) of the Social Security Act (42 U.S.C. 629b(a)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8); and

(C) by adding at the end the following:

"(9) contains assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern."

(2) **DEFINITIONS OF FAMILY PRESERVATION AND FAMILY SUPPORT SERVICES.**—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "safe and" before "appropriate" each place it appears; and

(ii) in subparagraph (B), by inserting "safely" after "remain"; and

(B) in paragraph (2)—

(i) by inserting "safety and" before "well-being"; and

(ii) by striking "stable" and inserting "safe, stable";

(d) **CLARIFICATION OF MAINTENANCE OF EFFORT REQUIREMENT.**—

(1) **DEFINITION OF NON-FEDERAL FUNDS.**—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)), as amended by subsection (b)(2), is amended by adding at the end the following:

"(9) **NON-FEDERAL FUNDS.**—The term 'non-Federal funds' means State funds, or at the option of a State, State and local funds."

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) takes effect as if included in the enactment of section 13711 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-33; 107 Stat. 649).

SEC. 306. HEALTH INSURANCE COVERAGE FOR CHILDREN WITH SPECIAL NEEDS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

(1) in paragraph (19), by striking "and" at the end;

(2) in paragraph (20), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(21) provides for health insurance coverage (including, at State option, through the program under the State plan approved under title XIX) for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement (other than an agreement under this part) between the State and an adoptive parent or parents, and who the State has determined cannot be placed with an adoptive parent or parents without medical assistance because such child has special

needs for medical, mental health, or rehabilitative care, and that with respect to the provision of such health insurance coverage—

"(A) such coverage may be provided through 1 or more State medical assistance programs;

"(B) the State, in providing such coverage, shall ensure that the medical benefits, including mental health benefits, provided are of the same type and kind as those that would be provided for children by the State under title XIX;

"(C) in the event that the State provides such coverage through a State medical assistance program other than the program under title XIX, and the State exceeds its funding for services under such other program, any such child shall be deemed to be receiving aid or assistance under the State plan under this part for purposes of section 1902(a)(10)(A)(i)(I); and

"(D) in determining cost-sharing requirements, the State shall take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted consistent, to the extent coverage is provided through a State medical assistance program, with the rules under such program."

SEC. 307. CONTINUATION OF ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS ON BEHALF OF CHILDREN WITH SPECIAL NEEDS WHOSE INITIAL ADOPTION HAS BEEN DISSOLVED.

(a) **CONTINUATION OF ELIGIBILITY.**—Section 473(a)(2) of the Social Security Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following: "Any child who meets the requirements of subparagraph (C), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption, who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, and who fails to meet the requirements of subparagraphs (A) and (B) but would meet such requirements if the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part and the prior adoption were treated as never having occurred, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii)."

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall only apply to children who are adopted on or after October 1, 1997.

SEC. 308. STATE STANDARDS TO ENSURE QUALITY SERVICES FOR CHILDREN IN FOSTER CARE.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 106 and 306, is amended—

(1) in paragraph (20), by striking "and" at the end;

(2) in paragraph (21), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(22) provides that, not later than January 1, 1999, the State shall develop and implement standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children."

TITLE IV—MISCELLANEOUS

SEC. 401. PRESERVATION OF REASONABLE PARENTING.

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inap-

propriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

SEC. 402. REPORTING REQUIREMENTS.

Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

SEC. 403. SENSE OF CONGRESS REGARDING STANDBY GUARDIANSHIP.

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

SEC. 404. TEMPORARY ADJUSTMENT OF CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.

(a) **REDUCTION OF APPROPRIATION.**—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by inserting ", reduced by the sum of the dollar amounts specified in paragraph (6)(C)(ii)" before the period.

(b) **INCREASE IN STATE REMITTANCES.**—Section 403(b)(6) of such Act (42 U.S.C. 603(b)(6)) is amended by adding at the end the following:

"(C) **ADJUSTMENT OF STATE REMITTANCES.**—

"(i) **IN GENERAL.**—The amount otherwise required by subparagraph (A) to be remitted by a State for a fiscal year shall be increased by the lesser of—

"(I) the total adjustment for the fiscal year, multiplied by the adjustment percentage for the State for the fiscal year; or

"(II) the unadjusted net payment to the State for the fiscal year.

"(ii) **TOTAL ADJUSTMENT.**—As used in clause (i), the term 'total adjustment' means—

"(I) in the case of fiscal year 1998, \$2,000,000;

"(II) in the case of fiscal year 1999, \$9,000,000;

"(III) in the case of fiscal year 2000, \$16,000,000; and

"(IV) in the case of fiscal year 2001, \$13,000,000.

"(iii) **ADJUSTMENT PERCENTAGE.**—As used in clause (i), the term 'adjustment percentage' means, with respect to a State and a fiscal year—

"(I) the unadjusted net payment to the State for the fiscal year; divided by

"(II) the sum of the unadjusted net payments to all States for the fiscal year.

"(iv) **UNADJUSTED NET PAYMENT.**—As used in this subparagraph, the term, 'unadjusted net payment' means with respect to a State and a fiscal year—

"(I) the total amount paid to the State under paragraph (3) in the fiscal year; minus

"(II) the amount that, in the absence of this subparagraph, would be required by subparagraph (A) or by section 409(a)(10) to be

remitted by the State in respect of the payment."

(C) RECOMMENDATIONS FOR IMPROVING THE OPERATION OF THE CONTINGENCY FUND.—Not later than March 1, 1998, the Secretary of Health and Human Services shall make recommendations to the Congress for improving the operation of the Contingency Fund for State Welfare Programs.

SEC. 405. COORDINATION OF SUBSTANCE ABUSE AND CHILD PROTECTION SERVICES.

Within 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families in the Department of Health and Human Services, shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report which describes the extent and scope of the problem of substance abuse in the child welfare population, the types of services provided to such population, and the outcomes resulting from the provision of such services to such population. The report shall include recommendations for any legislation that may be needed to improve coordination in providing such services to such population.

SEC. 406. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act take effect on the date of enactment of this Act.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentleman from Connecticut [Mrs. KENNELLY] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution we are now considering is needed to resolve the differences between the House on bill H.R. 867, the Adoption and Safe Families Act of 1997. This legislation passed this House last April by a vote of 416 to 5. It was approved last week by the other body by unanimous consent.

The resolution before us provides for a House amendment to the Senate-passed amendment, with an agreed-upon compromise of the differences remaining between the two houses. We are doing this with the expectation that the Senate will agree quickly to this compromise and send the bill to the President for his anticipated signature.

I have seldom been so proud as I am today to have been involved in this most historic legislation. Let me briefly tell my colleagues why.

In 1980, the Congress enacted legislation that provided badly needed money to help the States protect abused and neglected children. Designed primarily by Democrats, the legislation was a great achievement in its time. However, we can now see that some of the technical provisions of the 1980 legislation have caused too many children to remain too long in foster care. In our highly justified efforts to help unfortunate parents and their children, we have inadvertently created a system that keeps children in the limbo of foster care, and in all too many cases, in harm's way.

This wonderful bill corrects that problem. It does so by use of three tried and true methods. First, it establishes time lines to which States must conform in getting children into permanent placement. We are talking about permanent adoptive, loving homes. The effort of these time lines is to force States to make quicker decisions about when the child should be returned to the biological parents or made available for adoption.

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Second, the bill gives the States much more flexibility in identifying cases in which no attempt to help the biological family should be made. These include cases in which a parent has murdered another child or has lost custody of another child, plus other aggravated circumstances of this type which would be identified by the States.

Third, we give States a cash incentive for increasing the number of adoptions of children in foster care. Specifi-

cally, we pay the States up to \$6,000 per adoption for increasing the number of children who are adopted out of foster care.

The bill does other fine things, but this is its great achievement. That great achievement is moving children toward adoption with dispatch. As a result, we can expect adoptions to increase by many thousands of cases in the next 5 years. Think of that, thousands of additional children removed from the uncertainty of foster care and placed in warm, loving, and permanent families.

For this great achievement, two Members of the House deserve special recognition. The gentleman from Michigan, Mr. DAVE CAMP, a member of the Committee on Ways and Means, has worked for more than a year now to guide this bill to final passage. As a matter of fact, he brought a great deal of expertise from his own experience as a lawyer in this area. His tireless work on this legislation and especially his persistence in working with the U.S. Senate, which sometimes is not an easy task, has enabled us to achieve a bill that is assured of passage in both the House and Senate.

And the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, has worked closely with the gentleman from Michigan on this bill and has succeeded in representing the interests of the Democrats in a wide variety and array of advocacy groups.

I have always respected the legislative skills of the gentlewoman from Connecticut, [Mrs. KENNELLY], but sometimes working on different sides of important issues. Thus, it has been a special pleasure for me to work on the same side of an issue with her and to profit from, rather than sometimes and occasionally being the victim of, her great legislative skills.

Because of the demands of the legislative schedule, the House and Senate were not able to conduct a formal conference on this legislation. Even so, we have worked closely with the Senate at both the Member and the staff levels to achieve a bill that both Houses could accept. But because there is no conference, there is no conference report to establish and to clarify the legislative history of this important legislation.

For this reason, Mr. Speaker, I include for the RECORD an abbreviated version of the legislative history of this bill.

The material referred to is as follows:
LEGISLATIVE HISTORY OF HOUSE AMENDMENT TO ADOPTION AND SAFE FAMILIES ACT OF 1997—NOVEMBER 13, 1997

Title I. "Reasonable Efforts" and Child Safety Provisions

1. "REASONABLE EFFORTS" TO PRESERVE AND REUNIFY FAMILIES

House bill

As a component of their state Title IV-E plan, states would continue to be required to

make reasonable efforts to preserve and reunify families; however, this requirement would not apply in cases in which a court has found that: a child has been subjected to "aggravated circumstances" as defined in state law (which may include abandonment, torture, chronic abuse, and sexual abuse); a parent has assaulted the child or another of their children or has killed another of their children (as defined in the Child Abuse Prevention and Treatment Act); or a parent's rights to a sibling have been involuntarily terminated. States would not be required to make reasonable efforts on behalf of any parent who has been involved in subjecting children to these circumstances.

Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, with a legal guardian, or in another planned permanent arrangement (see item 3). (Section 2 of the House bill)

Senate amendment

As a component of their state Title IV-E plan, states would be required to make reasonable efforts to preserve families when the child can be cared for at home without endangering the child's health or safety or to make it possible for the child to safely return home. Such reasonable efforts would not be required on behalf of any parent: if a court has determined that the parent has killed or assaulted another of their children; or if a court has determined that returning the child home would pose a serious risk to the child's health or safety (including but not limited to cases of abandonment, torture, chronic physical abuse, sexual abuse, or a previous involuntary termination of parental rights to a sibling); or if the state has specified in legislation cases in which reasonable efforts would not be required because of serious circumstances that endanger a child's health or safety. Reasonable efforts to place a child for adoption or with a legal guardian or custodian could be made concurrently with reasonable efforts to preserve or reunify families (see item 3).

Nothing in Title IV-E, as amended by this Act, would be construed as precluding state courts from exercising their discretion to protect the health and safety of children in individual cases when such cases do not include aggravated circumstances as defined by state law. (Section 101 of the Senate amendment)

House amendment

The House Amendment follows the House bill with minor differences in wording, except the agreement: clarifies that the state law definition of "aggravated circumstances" may include, but need not be limited to, abandonment, torture, chronic abuse, and sexual abuse; adds a rule of construction specifying that nothing in this legislation would be construed as precluding state courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in this provision; and establishes new definitions, under Title IV-E, of the terms "legal guardianship" and "legal guardian." (Section 101 of the House Amendment)

2. CONSIDERATION OF CHILD HEALTH AND SAFETY

House bill

In determining and making reasonable efforts on behalf of a child, the child's health and safety must be of paramount concern. (Section 2)

Senate amendment

Same as House bill. (Section 101) In addition, the Senate amendment amends current

law to include references to child safety in provisions dealing with child welfare services, case plans, and case review procedures. (Section 102)

House amendment

The House Amendment follows the Senate amendment.

3. "REASONABLE EFFORTS" TO PLACE CHILDREN FOR ADOPTION OR OTHER PERMANENT ARRANGEMENT

House bill

If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1 or are no longer consistent with the child's permanency plan, then states would be required to make reasonable efforts to place the child for adoption, with a legal guardian, or (if adoption or guardianship were not appropriate) in another planned, permanent arrangement. Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, guardianship, or in another planned, permanent arrangement. (Section 2)

Senate amendment

If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1 (as determined by a court), then a permanency planning hearing must be held for the child within 30 days of the court determination. In such cases, states are required to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the placement. Reasonable efforts to place a child for adoption or with a legal custodian could be made concurrently with reasonable efforts to preserve or reunify the family. (Section 101)

House amendment

The House Amendment follows the Senate amendment with minor differences in wording. (Section 101)

4. DOCUMENTATION OF EFFORTS TO ADOPT

House bill

For every child whose permanency plan is adoption or another permanent placement, states would be required to document the steps taken to find an adoptive family or permanent home; to place the child with the adoptive family, legal guardian, or other permanent home (including the custody of a fit and willing relative); and to finalize the adoption or guardianship. The documentation must cover child-specific recruitment efforts such as use of adoption information exchanges, including electronic exchange systems. (Section 7)

Senate amendment

Same as House bill, with minor differences in wording. (Section 108)

House amendment

The House Amendment follows the House bill and Senate amendment. (Section 107)

5. TERMINATION OF PARENTAL RIGHTS

House bill

In the case of a child who is younger than 10 and has been in foster care for 18 of the most recent 24 months, states would be required to initiate a petition (or join any existing petition) to terminate parental rights, unless: at the option of the state, the child is being cared for by a relative; a state court or agency has documented a compelling reason for determining that such a petition would not be in the best interests of the child; or the state has not provided the family with services deemed appropriate by the state (in cases in which reasonable efforts to preserve or reunify the family have been required).

This provision would apply only to children who enter foster care on or after October 1, 1997. (Section 3)

Senate amendment

In the case of a child who has been in foster care for 12 of the most recent 18 months, an infant who is determined by the court to have been abandoned (as defined under state law), or a court determination that a parent of a child has assaulted the child or killed or assaulted another of their children, states would be required to initiate a petition (or join any existing petition) to terminate parental rights, and concurrently, to identify, recruit, process, and approve a qualified adoptive family, unless: at the option of the state, the child is being cared for by a relative; a state agency has documented to the state court a compelling reason for determining that such a petition would not be in the best interests of the child; or the state has not provided the family of the child with services deemed necessary by the state for the child's safe return home. (Section 104(a))

A child would be considered as having entered foster care on the earlier of the date of the first judicial hearing after the child's removal from home or 30 days after the child's removal from home. (Section 104(b))

Nothing in Title IV-E, as amended by this legislation, would preclude state courts or agencies from initiating termination of parental rights for other reasons, or according to earlier timetables than those specified, if such actions are determined to be in the child's best interests. These special cases include those in which the child has experienced multiple foster care placements. (Section 104(c))

For children in foster care on or before the date of enactment, this provision would apply as though the children first entered care on the date of enactment. The effective date of this bill, providing time for state legislatures to enact necessary legislation, would apply to this provision (see item 28). (Section 104(d))

House amendment

The House Amendment follows the House bill and Senate amendment with modifications. With regard to cases taken into state custody after the date of enactment of this legislation, states are required to initiate a petition (or join any existing petition) to terminate parental rights, and concurrently, to identify, recruit, process, and approve a qualified adoptive family for groups of children: those who have been in foster care for 15 of the most recent 22 months; those who the court has determined to be abandoned infants (as defined in state law); or those for whom there has been a court determination that their parent has assaulted the child or killed or assaulted another of their children.

There are three exceptions to the requirement for terminating parental rights in these cases: at the option of the state, if the child is being cared for by a relative; if a state agency has documented in the case plan, which must be available for court review, a compelling reason for determining that filing such a petition would not be in the best interests of the child; or if the state has not provided to the family of the child, consistent with the time period in the case plan, such services as the state deems necessary for the safe return of the child (in cases in which reasonable efforts to reunify the family have been required). (Section 103(a))

For purposes of applying the 15 of 22 month rule to new cases, the clock begins on the date of the first judicial finding that the

child has been subjected to child abuse or neglect or 60 days after the child's removal from home. (Section 103(b))

With regard to children who enter foster care after the date of enactment, states would be required to comply with this provision when any such child has been in care for 15 of the most recent 22 months, but no later than 3 months after the end of the first regular session of the state's legislature that begins after the date of enactment. With regard to children who are in foster care on the date of enactment, states would be required to apply the 15 of 22 months rule to one-third of the caseload no later than 6 months after the end of the first legislative session, and would give priority to children with permanency plans of adoption and children who have been in foster care for the greatest length of time. States then would be required to apply the 15 of 22 months rule to two-thirds of the caseload no later than 12 months after the end of the first legislative session. Finally, states must apply the 15 of 22 months rule to all children who are in foster care on the date of enactment within 18 months after the end of the first legislative session that begins after the date of enactment. (Section 103(c))

Nothing in Title IV-E, as amended by this legislation, can be construed as precluding state courts or state agencies from initiating the termination of parental rights for other reasons, or according to earlier timetables, than those specified, when determined to be in the child's best interests. These exceptions include cases in which the child has experienced multiple foster care placements. (Section 103(d))

6. CHILD DEATH REVIEW TEAMS

House bill

No provision.

Senate amendment

To be eligible for payments under Title IV-E, no later than 2 years after enactment states must certify that they have established and are maintaining a state child death review team (and, if necessary, regional and local teams) to investigate child deaths. Such deaths include those in which there has been a prior report of abuse or neglect or there is reason to suspect that the death was related to abuse or neglect, or the child was a ward of the state or otherwise known to the child welfare agency. State, regional, or local teams may be existing citizen review panels, as authorized under CAPTA, or existing foster care review boards.

In addition, HHS would be required to establish a federal child death review team, with representatives from other federal agencies, to investigate deaths on federal lands, provide guidance and technical assistance to states and localities upon request, and make recommendations to prevent child deaths. (Section 103)

House amendment

The House Amendment follows the House bill.

7. CRIMINAL RECORD CHECKS

House bill

At state option, states could provide, as a component of their Title IV-E plan, procedures for criminal records checks and checks of a state's child abuse registry for any prospective foster parents or adoptive parents, and employees of child care institutions, before the parents or institutions are finally approved for a placement of a child eligible for federal subsidies under Title IV-E.

In any case of a criminal conviction of child abuse or neglect, spousal abuse, crimes

against children, or crimes involving violence (including rape, sexual or other assault, or homicide), approval could not be granted. In any case of a criminal conviction for a felony or misdemeanor not involving violence, or the existence of a substantiated report of abuse or neglect, final approval could be granted only after consideration of the nature of the offense, the length of time since it occurred, the individual's life experiences since the offense occurred, and any risk to the child. (Section 17)

Senate amendment

States would be required to provide, as a component of their Title IV-E plan, procedures for federal and state criminal records checks for any prospective foster or adoptive parents and other adults living in their home. Background checks also would be required for employees of residential child care institutions. Parents and institutions must have background checks before being approved for placement of a child eligible for federal subsidies under Title IV-E.

In any case of a criminal conviction of child abuse or neglect, spousal abuse, crimes against children (including child pornography), or crimes involving violence (including rape, sexual or other physical assault, battery, or homicide), approval could not be granted. In addition, if a state finds that a court of competent jurisdiction has determined that a drug-related offense has occurred within the past 5 years, approval could not be granted. (Section 107(a))

This provision would not be construed to supercede any provision of state law regarding criminal records checks and other background checks for prospective foster and adoptive parents and employees of residential child care institutions, unless such provisions prevent the application of the requirements in this amendment. (Section 107(b))

House amendment

The House Amendment follows the Senate amendment with modifications. States would be required to provide, as a component of their Title IV-E plan, procedures for criminal records checks for any prospective foster or adoptive parents, before the parents are finally approved for placement of a child eligible for federal subsidies under Title IV-E. In any case of a felony conviction for child abuse or neglect, spousal abuse, crimes against children (including child pornography), or crimes involving violence (including rape, sexual assault, or homicide), approval could not be granted. In any case of a felony conviction for physical assault, battery, or a drug-related offense, approval could not be granted if the felony was committed within the past 5 years. States could opt out of this provision through a written notification from the Governor to the Secretary, or through state law enacted by the legislature.

8. QUALITY STANDARDS FOR OUT-OF-HOME CARE

House bill

No provision.

Senate amendment

As a component of their state Title IV-E plan, states would be required to develop and implement standards to ensure that children in foster care placements in public or private agencies receive quality services that protect the safety and health of children. The standards must be developed by January 1, 1999. (Section 308)

House amendment

The House Amendment follows the Senate amendment. (Section 308)

Title II. Adoption Promotion Provisions

9. ADOPTION INCENTIVE PAYMENTS

House bill

The Secretary of Health and Human Services (HHS) would be required to make adoption incentive payments to eligible states for any adoptions of foster children in a given fiscal year that exceed the number of such adoptions in a base year. Adoption incentive payments would equal \$4,000 for each adoption of a foster child above the number in the base year, plus an additional \$2,000 for each adoption of a foster child with special needs above the number in the base year (for a total of \$6,000 for each special needs adoption). For these incentive payments, \$15 million would be authorized for each of fiscal years 1999 through 2003. The base year is the previous year with the highest number of adoptions. Relevant budget acts would be amended to require adjustments in discretionary spending limits. (Section 4)

Senate amendment

The Senate amendment is similar to the House bill, except: the Secretary would be authorized, rather than required, to make adoption incentive payments; to be eligible to receive incentive payments, states would be required to provide health insurance coverage to any special needs child for whom there is an adoption assistance agreement between a state and the child's adoptive parents; adoption incentive payments would equal \$3,000 for each adoption of a foster child above the base number, and an additional \$3,000 for each adoption of a foster child with special needs (total of \$6,000 for each special needs adoption); and the base number of adoptions for determining adoption incentive payments would be the average number of adoptions for the 3 most recent fiscal years. (Section 201)

Information required by this legislation would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS), to the extent available (see item 26).

House amendment

The House Amendment follows the House bill and the Senate amendment. The Secretary of HHS would be required to make adoption incentive payments to eligible states. An eligible state is one in which adoptions of foster children in FY 1998 exceed the average number during FY 1995-FY 1997 or, in FY 1999 and subsequent years, in which adoptions of foster children are higher than in any previous fiscal year after FY 1996. To be eligible to receive adoption incentive payments for FY 2001 or FY 2002, states would be required to provide health insurance coverage to any special needs child for whom there is an adoption assistance agreement between a state and the child's adoptive parents. Adoption incentive payments would equal \$4,000 for each adoption of a foster child above the base number, and an additional \$2,000 for each adoption of a foster child with special needs (for a total of \$6,000 for each special needs adoption). For these incentive payments, \$20 million would be authorized to be appropriated for each of FYs 1999 through 2003, and discretionary budget caps would be adjusted to accommodate this additional spending. (Section 201)

10. TECHNICAL ASSISTANCE TO PROMOTE ADOPTION

House bill

HHS would be authorized to provide technical assistance to states and localities to promote adoption for foster children, including: guidelines for expediting termination of

parental rights; encouraged use of concurrent planning; specialized units and expertise in moving children toward adoption; risk assessment tools for early identification of children who would be at risk of harm if returned home; encouraged use of fast tracking for children under age 1 into pre-adoptive placements; and programs to place children into pre-adoptive placements prior to termination of parental rights

For technical assistance, \$10 million would be authorized for each of fiscal years 1998-2000. (Section 12)

Senate amendment

HHS would be required to provide technical assistance, upon request, to help states and localities reach their targets for increased numbers of adoptions. No authorization of appropriations would be included. (Section 201)

House amendment

The House Amendment follows the House bill, except HHS would be required to use half of funds appropriated for technical assistance to the courts. (Section 201)

11. ELIGIBILITY FOR ADOPTION ASSISTANCE IN CASES OF DISSOLVED ADOPTIONS

House bill

No provision.

Senate amendment

Children with special needs who had previously been eligible for federally subsidized adoption assistance under Title IV-E, and who again become available for adoption because of the dissolution of their adoption or death of their adoptive parents, would continue to be eligible for federally subsidized adoption assistance under Title IV-E in a subsequent adoption. (Section 307(a)) This provision would only apply to children who become available for adoption due to the dissolution of their previous adoption or the death of their adoptive parents, and whose subsequent adoption occurs on or after October 1, 1997. (Section 307(b))

House amendment

The House Amendment follows the Senate bill with minor differences in wording. (Section 307)

12. HEALTH CARE COVERAGE FOR SPECIAL NEEDS ADOPTED CHILDREN

House bill

No provision.

Senate amendment

As a component of their state Title IV-E plans, states would be required to provide health insurance coverage for any child determined to be a child with special needs, for whom there is an adoption assistance agreement between the state and the adoptive parents, and who the state has determined could not be placed for adoption without medical assistance because the child has special needs for medical or rehabilitative care. In addition: such health insurance coverage could be provided through one or more state medical assistance program; the state would ensure that medical benefits, including mental health benefits, would be of the same type and kind as those provided for children by the state under Medicaid; if the state provides such health insurance coverage through a program other than Medicaid, and the state exceeds its funding for services under such program, then any such child would be deemed to be Title IV-E-eligible for purposes of Medicaid; and in determining cost-sharing requirements, the state would be required to take into consideration the circumstances of the adoptive parents and the needs of the child. (Section 306)

House amendment

The House Amendment generally follows the Senate amendment. The agreement makes clear that the state may choose to comply with this provision by covering the child under Medicaid. (Section 306)

13. INTERJURISDICTIONAL ADOPTION

House bill

No provision.

Senate amendment

As a component of their state Title IV-E plan, states would be required to provide that neither the state nor any other entity in the state that receives federal funds and is involved in adoption would delay or deny the adoptive placement of a child on the basis of the geographic residence of the adoptive parent or child. (Section 202(a))

In addition, the Secretary of HHS would be required to appoint an advisory panel to study interjurisdictional adoption issues. The panel would submit a report to the Secretary within 12 months of appointment, including recommendations for improvements in interjurisdictional adoptions. The Secretary would forward the report to Congress and, if appropriate, make recommendations for legislation. (Section 202(b))

House amendment

The House Amendment generally follows the Senate amendment. As a component of their Title IV-E state plan, states would be required to assure that the state would develop plans for the effective use of cross-jurisdictional resources to facilitate timely permanent placements for waiting children. In addition, states would not be eligible for any Title IV-E payment if the Secretary found that, after the date of enactment, a state had denied or delayed the placement of a child when an approved family was available outside the jurisdiction with responsibility for handling the case of the child, or denied to grant an opportunity for a fair hearing to an individual whose allegation of a violation of this provision was denied by the state or not acted upon with reasonable promptness. (Sections 202 (a) and (b)) It is the intention of Congress that the best interests of children remain the critical consideration in adoptive placement decisions. Congress does not intend to interfere with the ability of the Interstate Compact on the Placement of Children to ensure safe and appropriate adoptive placements.

The General Accounting Office (rather than HHS through an advisory panel) would be required to study and report to Congress on interjurisdictional adoption issues. (Section 202(b))

Title III. System Accountability and Improvement Provisions

14. PERMANENCY HEARINGS

House bill

States would be required to hold a first dispositional hearing within 12 months of a child's placement, instead of the current 18, and the name of the proceeding would be changed to "permanency" hearing. The hearing's purpose would be to determine the child's permanency plan, which could include: returning home; referral for adoption and termination of parental rights; guardianship; or another planned, permanent arrangement, which could include the custody of a fit and willing relative. (Section 5)

Senate amendment

States would be required to hold a first dispositional hearing within 12 months of the date the child is considered to have entered foster care, defined as the earlier of the date

of the first judicial hearing after the child's removal or 30 days after the removal. The hearing would be renamed "permanency planning" hearing, and its purpose would be to determine the child's permanency plan, which could include: returning home; being placed for adoption and the state would file a petition to terminate parental rights; being referred for legal guardianship; or in cases in which the state agency has documented to the state court a compelling reason why it would not be in the child's best interest to return home, being referred for termination of parental rights, being placed for adoption with a qualified relative or a legal guardian, or being placed in another planned, permanent living arrangement. (Section 302)

House amendment

The House Amendment follows the Senate amendment, except the name of the proceeding is changed to a "permanency" hearing rather than a "permanency planning" hearing. (Section 302)

15. PARTICIPATION IN CASE REVIEWS AND HEARINGS

House bill

Foster parents and relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child. This provision, however, must not be construed to make any foster parent a party to such a review or hearing. (Section 6)

Senate amendment

Same as the House bill, except the Senate amendment: would also apply to any pre-adoptive parent or any other individual who has provided substitute care for the child; and would make explicit that relative caretakers, pre-adoptive parents, and other individuals who have cared for the child, in addition to foster parents, would not be considered parties to reviews or hearings solely on the basis of receiving notice. (Section 105)

House amendment

The House Amendment follows the House bill and Senate amendment, with minor modifications. Foster parents and preadoptive parents or relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child. This provision must not be construed to make any foster parent, preadoptive parent or relative a party to such a review or hearing solely on the basis of receiving notice. (Section 104)

16. PERFORMANCE MEASURES FOR STATE CHILD WELFARE PROGRAMS

House bill

The Secretary of HHS, in conjunction with the American Public Welfare Association, the National Governors' Association, and child advocates, would be required to develop outcome measures to assess state child welfare programs and to rate state performance according to these measures. HHS would submit an annual report to Congress on state performance; the report would contain recommendations for improving state performance. The first report would be due on May 1, 1999. Outcome measures would include length of stay in foster care, number of foster care placements, and number of adoptions. To the maximum extent possible, the report would be developed from data available from the Adoption and Foster Care Analysis and Reporting System (AFCARS). (Section 10)

Senate amendment

The Secretary of HHS would be required to issue an annual report containing ratings of

state performance in protecting children. The first report would be due on May 1, 1999. In developing the performance measures, the Secretary would be required to consult with the American Public Welfare Association, the National Governors Association, the National Conference of State Legislatures, and child welfare advocates. The measures would track state performance over time in the following categories: number of placements for adoption and for foster care, and whether such placements were with a relative or a guardian; number of children who "age out" of foster care without having been adopted or placed with a guardian; length of stay in foster care; length of time between a child's availability for adoption and actual adoption; number of deaths and substantiated cases of child abuse or neglect in foster care; and specific steps taken by the state to facilitate permanence for children. (Section 203(a))

In addition, the Secretary of HHS, in consultation with state and local public child welfare officials and child welfare advocates, would be required to develop and recommend to Congress a performance-based incentive funding system for payments under Titles IV-B and IV-E. The report would be due no later than 6 months after enactment. (Section 203(b)) Information required by this legislation would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS) to the extent the information is available through AFCARS (see item 26).

House amendment

The House Amendment follows the House bill and the Senate amendment, with modifications. The Secretary of HHS, in conjunction with Governors, state legislatures, state and local public officials responsible for administering child welfare programs, and child advocates, would be required to develop outcome measures to assess state child welfare programs and to rate state performance according to these measures. HHS would submit an annual report to Congress on state performance, with recommendations for improving state performance; the first report would be due on May 1, 1999. Outcome measures would include length of stay in foster care, number of foster care placements, and number of adoptions, and, to the maximum extent possible, would be developed from data available from the Adoption and Foster Care Analysis and Reporting System (AFCARS). (Section 203(a))

In addition, the Secretary of HHS, in consultation with state and local public child welfare officials and child welfare advocates, would be required to develop and recommend to Congress a performance-based incentive funding system for payments under Titles IV-B and IV-E. No later than 6 months after enactment, the Secretary would submit a progress report on the feasibility, timetable, and consultation process for conducting a study, with a final report due within 15 months of enactment. The report may include other recommendations for restructuring the program and for making payments to states under Titles IV-B and IV-E. (Section 203(b))

17. CHILD WELFARE DEMONSTRATIONS

House bill

The number of child welfare demonstrations would be increased from 10 to 15. At least one of the additional demonstrations would have to address the issue of kinship care. (Section 11)

Senate amendment

The current law limitation on the number of demonstrations that HHS could approve

would be eliminated. Demonstrations would have to be designed to achieve one or more of the following goals: reducing a backlog of children in long-term foster care or awaiting adoptive placement; ensuring an adoptive placement for a child no later than 1 year after the child enters foster care; identifying and addressing barriers that result in delays to adoptive placements for children in foster care; identifying and addressing parental substance abuse problems that endanger children and result in foster care placement, including placement of children and parents together in residential treatment facilities that are specifically designed to serve parents and children together to promote family reunification; overcoming barriers to the adoption of children with special needs resulting from a lack of health insurance coverage for such children; and any other goal that the Secretary has already approved on the date of enactment, or, after the date of enactment, specifies by regulation.

In considering applications for waivers from states in which there has been a court order determining a state's failure to comply with provisions of Titles IV-B or IV-E or the Constitution, the Secretary would be required to consider the effect of the waiver on the terms and conditions of the court order. (Section 301(a)) This provision would not be construed to affect the terms and conditions of any demonstrations that had been approved as of the date of enactment. (Section 301(b))

House amendment

The House Amendment follows the House bill and the Senate amendment, with modifications. The Secretary would be authorized to conduct demonstrations that the Secretary finds are likely to promote the objectives of Title IV-B or IV-E. The Secretary would be authorized to approve no more than 10 such demonstrations in each of FYs 1998 through 2002. If appropriate applications were submitted, the Secretary would be required to consider applications designed to identify and address barriers that result in delays to adoptive placements for foster children; identify and address parental substance abuse problems that endanger children and result in their placement in foster care, including through placement of children and parents together in residential treatment facilities that are specifically designed to serve parents and children together to promote family reunification; and to address kinship care. In addition, waivers could be approved only for those states which provide health insurance coverage to any child with special needs for whom there is in effect an adoption assistance agreement between a state and an adoptive parent or parents. The Secretary may waive the current law requirement that demonstrations end after 5 years. In approving demonstrations, the Secretary shall consider the effect of the demonstration on any court orders in the state for violations of federal requirements under Titles IV-B or IV-E or the U.S. Constitution. (Section 301)

Title IV. Additional Provisions

18. REAUTHORIZATION AND EXPANSION OF THE FAMILY PRESERVATION PROGRAM

House bill

No provision.

Senate amendment

The family preservation and family support program under Title IV-B, Subpart 2, would be reauthorized through FY2001, at the following levels: \$275 million in FY1999; \$295 million in FY2000; and \$305 million in FY2001.

As under current law, these are capped entitlement funding levels. Existing allocation formula provisions, including a 1 percent reserve for Indian tribes, would remain intact. Set-asides for court improvement grants and for evaluation and research would also be reauthorized. (Section 305(a))

States would be required to devote significant portions of their expenditures, after spending no more than 10 percent of their allotment for administrative costs, to each of the following four categories of services: community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services.

Time-limited family reunification services would be defined as services and activities provided to children (and their parents) who have been removed from home and placed in foster care, for no longer than 15 months beginning on the date of their removal from home, to facilitate the child's safe and appropriate reunification with the family. Such services and activities include counseling, substance abuse treatment, mental health services, assistance to address domestic violence, and transportation. Adoption promotion and support services would be defined as services and activities designed to encourage more adoptions out of the foster care system when adoptions promote the best interests of children.

Subpart 2 of Title IV-B would be renamed "Promoting Adoptive, Safe, and Stable Families." (Section 305(b)) State plans under Subpart 2 would be required to contain assurances that in administering and conducting service programs, the safety of the children to be served would be of paramount concern. Additional references to child safety would be added to the statute. (Section 305(c)) Maintenance of effort provisions in current law would be clarified to define non-federal funds as meaning state funds, or at the option of the state, state and local funds. This provision would take effect as if included in the Omnibus Budget Reconciliation Act of 1993. (Section 305(d))

House amendment

The House Amendment follows the Senate amendment, except specific examples of adoption promotion and support services would be deleted and time-limited family reunification services are limited to 15 months from the date the child enters foster care. The program would be renamed "Promoting Safe and Stable Families." (Section 305)

19. REPORT ON SUBSTANCE ABUSE AND CHILD PROTECTION

House bill

The Secretary of HHS would be required to submit a report to the Committees on Ways and Means and Finance on the problem of substance abuse in the child welfare population, services provided to parents who abuse substances, and the outcomes of such services. This report would be based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families within HHS, and would be due within 1 year of enactment. The report would include recommendations for legislation. (Section 13)

Senate amendment

No provision.

House amendment

The House Amendment follows the House bill. (Section 405)

20. KINSHIP CARE REPORT

House bill

The Secretary of HHS would be required to convene an advisory panel on kinship care no

later than March 1, 1998. By the same date, the Secretary would submit an initial report to the advisory panel on the extent to which foster children are placed with relatives. The advisory panel would review the Secretary's initial report and submit comments by July 1, 1998. Based on these comments and other information, the Secretary would submit a final report, by November 1, 1998, to the Committees on Ways and Means and Finance, containing recommendations. (Section 8)

Senate amendment

Same as the House bill with slight differences in data to be collected. (Section 303)

House amendment

The House Amendment follows the Senate amendment, except the dates are changed so that the Secretary would be required to convene the advisory panel and submit an initial report to the advisory panel no later than June 1, 1998. The advisory panel would submit comments to the Secretary no later than October 1, 1998, and the Secretary would report to Congress no later than June 1, 1999. (Section 303)

21. FEDERAL PARENT LOCATOR SERVICE

House bill

Child welfare agencies would be authorized to use the Federal Parent Locator Service to assist in locating absent parents. (Section 9)

Senate amendment

Same as the House bill with minor differences in wording. (Section 106)

House amendment

The House Amendment follows the Senate amendment. (Section 105)

22. ELIGIBILITY FOR INDEPENDENT LIVING SERVICES

House bill

The primary target population for independent living services would be revised to include children who are no longer eligible for foster care subsidies under Title IV-E because they have accumulated assets of up to \$5,000. (Section 14)

Senate amendment

Same as the House bill. (Section 304)

House amendment

The House Amendment follows the House bill and the Senate amendment.

23. STANDBY GUARDIANSHIP

House bill

It would be the sense of Congress that states should have laws and procedures that would permit a parent who is chronically ill or near death to designate a standby guardian for their minor child without surrendering their own parental rights. The standby guardians authority would take effect upon the parents death, the onset of mental incapacity of the parent, or the physical debilitation and consent of the parent. (Section 18)

Senate amendment

Same as House bill. (Section 403)

House amendment

The House Amendment follows the House bill and the Senate amendment.

24. PURCHASE OF AMERICAN-MADE EQUIPMENT

House bill

It would be the sense of Congress that, to the greatest extent possible, all equipment and products purchased with funds provided under the Adoption Promotion Act should be American-made. (Section 16)

Senate amendment

No provision.

House amendment

The House Amendment follows the House bill with a change to reflect the name of the bill. (Section 406)

25. PRESERVATION OF REASONABLE PARENTING

House bill

No provision.

Senate amendment

Specifies that nothing in this legislation is intended to disrupt the family unnecessarily or intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting. (Section 401)

House amendment

The House Amendment follows the Senate amendment. (Section 401)

26. USE OF DATA FROM THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM (AFCARS)

House bill

No provision.

Senate amendment

Any information required to be reported by this legislation would be supplied through AFCARS to the extent such information is available in AFCARS. The Secretary would be required to modify the AFCARS regulations if necessary to allow states to obtain data required by this legislation. (Section 402)

House amendment

The House Amendment follows the Senate amendment. (Section 402)

27. TEMPORARY REDUCTION IN CONTINGENCY FUND

House bill

No provision.

Senate amendment

The federal matching rate under Medicaid for state expenditures related to skilled professional medical personnel would be reduced to 73%. (Section 405)

House amendment

Neither the House bill nor the Senate amendment was followed. Rather, the \$2 billion federal Contingency Fund for the Temporary Assistance for Needy Families (TANF) program, created by the 1996 welfare reform law (P.L. 104-193), would be reduced by a total of \$40 million in outlays over the period 1998-2002. (Section 404)

Title V. Effective Dates

28. EFFECTIVE DATES

House bill

October 1, 1997. If the Secretary determines that states need to enact legislation to comply with state plan requirements imposed by this legislation, a state plan would not be considered out of compliance solely because it fails to meet these requirements until the first day of the calendar quarter beginning after the close of the next regular session of the state legislature. In states with a 2-year legislative session, each year would be deemed a separate session. (Section 15)

Senate amendment

Same as House bill, except for provisions dealing with termination of parental rights (see item 5), disrupted adoptions (see item 11), and the definition of nonfederal funds under family preservation (see item 18). (Section 501)

House amendment

The House Amendment follows the House bill and Senate amendment, with a modification to change October 1, 1997, to the date of enactment. (Section 501)

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from Florida, Mr. CLAY SHAW, the subcommittee chair with jurisdiction over this bill, for his incredible support, his patience, and his willingness to work alongside the gentleman from Michigan, Mr. CAMP, and myself to make sure that this day came about. I really appreciate what he has done. His leadership has been outstanding. I thank him very much.

I also want to say on the floor today what a delight it has been to work with the gentleman from Michigan, Mr. DAVE CAMP. He truly intimately, personally understood what this bill was about. He personally cared about the children of America.

The past week or so as we were having the struggle to see if the Senate would in fact take up this bill, he daily went to see his Senate friends, and sometimes I wondered if they were his friends, but those that were working on this bill, trying to tell them how important it was that we pass this bill before this session ended.

The reason for that, Mr. Speaker, was this past April the House took the important step toward protecting children and promoting adoption. Today we can finish that job by sending to the President this bill, an amended version of the same legislation that we passed in April.

As I said to the Senators on the finance committee a little over a month ago, I could not understand how we could go home to our loving families for the holidays, for Thanksgiving and Christmas, and not act upon this bill, because this bill is about children of America who do not have safe, loving, and permanent homes. If we did not act upon this bill they would not have the hope of safe, loving, permanent homes.

This legislation we can all agree on is putting children on a fast track from foster care to safe and loving and permanent homes. This is what this is all about.

Before I continue I also want to thank the gentleman from Michigan [Mr. LEVIN], the ranking member, the democratic ranking member of the subcommittee, for being so supportive of this legislation. Also, one of the reasons we have reached this point is that our First Lady, Mrs. Hillary Clinton, was incredibly supportive of this effort, to the point that she went one on one on one to the various members of the Senate who really wanted this legislation, wanted it as badly, I think, as we did, but they wanted a perfect piece of legislation.

What the gentleman from Michigan, Mr. DAVID CAMP and I realized is that at this point in time we could not do a perfect piece of legislation, but what we could do was a very good piece of legislation. Mrs. Clinton understood

that we were beginning down the path of giving children safe, permanent, loving homes. She was there with us lobbying on behalf of the children of the United States of America, urging, urging and pleading that we pass this legislation now.

When we think about a child who is 3 years old, and the fact that they can spend 18 months in a foster care home and be returned to their home that is not a good home, and then returned to another foster care home, this is their life. For a child, this is something that we should not do to them. Mrs. Clinton understood it, the gentleman from Florida [Mr. SHAW] understood it, the gentleman from Michigan [Mr. CAMP] and I understood it. That is where we are today.

This legislation is very similar to that that we passed in April by 416 votes to 5. The focus remains on providing permanency and protection for foster care children. Like the original House-passed adoption bill, this legislation includes financial bonuses for States and increases the number of children leaving foster care for adoption, and requires States to expedite permanency hearings for children in foster care.

Also, like the House bill, this measure clarifies when children should not be returned home, such as, and I cannot believe I am saying these words, but the fact of the matter happens, such as when torture or sexual abuse or chronic physical abuse is occurring in that home, no child should have to remain in that home.

This might sound like common sense, but we told the States about 15 years ago to make reasonable efforts to reunify families, without telling them exactly what we meant by reasonable. Unfortunately, in practice, reasonable efforts became every effort, putting a child at risk. So we are now telling States there are times when returning a child home presents too great a risk to that child's safety, and that is not a risk that we are willing to take.

The legislation also requires States to expedite the termination of parental rights when reunifying the family is not possible. This will eliminate one more barrier to adoption. There are also a few additions to the original House-passed legislation, including the reauthorization of the family preservation program, which has been amended to place a greater emphasis on adoption services when returning children to their birth families, and when that is not possible, we are very clear in defining what we mean by reasonable efforts.

The National Governors Association has already expressed its strong support for reauthorizing this program, saying the ability of States to tailor these funds to particular needs of the community have made this particularly a valuable program. Furthermore,

this legislation includes a Senate provision ensuring that special needs children with severe medical problems will have continued access to health coverage, when they are in foster care or in the process of adoption.

Mr. Speaker, this legislation will not eliminate child abuse or guarantee a permanent home for every child, but it will take a significant first step forward on the road to providing protection and permanency for our Nation's abused, neglected, and sometimes forgotten children. I urge passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CAMP], the coauthor of this legislation.

Mr. CAMP. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW], the chairman, for yielding time to me. Without his steadfast support, we would not be on the floor with this adoption bill today. He has been every bit a chairman, has been very much involved with this process, and I very much want to thank him for his efforts in bringing this to a reality.

I also want to thank my coauthor, the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, who has also been there every step of the way, and I believe her testimony before the Senate, where she implored them to pass a bill to help children before we go home for the holidays to our own loving families, was a turning point in the negotiation; and also the ranking member, the gentleman from Michigan, Mr. SANDER LEVIN, for his support and effort in this area as well. The administration, we worked with them as well, and this has been a bipartisan bill. I think that is one of the reasons why we are on the floor today.

I think today is a great day for our Nation's foster and adoptive children. Today is the day that Congress improves our foster care laws and eases the pathway for adoption. Since 1980, foster care children have entered a system that has often worked against them, making foster care a permanent answer instead of a temporary solution to their problems.

In 1980 Congress enacted the Adoption Assistance and Child Welfare Act, which sought to improve the foster care system. The 1980 law, while well-intended, has created a system where nearly half a million children currently reside in foster care. Many remain in the system for more than 2 years, which is a lifetime for a child. This legislation, however, is not about numbers and statistics, it is about children and families.

For a child of any age, 2 years in foster care is far too long. It is 2 years of uncertainty, 2 years of not knowing where their next home will be, or not knowing the love of a parent. This leg-

islation makes several changes that will ensure our children grow up in the sanctuary of a permanent, loving home instead of a temporary shelter.

First, we make the health and safety of the child of paramount importance in any decision affecting our children. No child should be returned to a dangerous environment where they may face continued abuse or even death. Our bill makes sure the child's health and safety are taken into account in that decision.

We also clarify the circumstances under which States are not required to pursue reasonable efforts. Under the bill, States would not be required to pursue reasonable efforts if a child had been abandoned, tortured, chronically or sexually abused, or if the parents had murdered a sibling.

Second, we allow States to conduct what is known as concurrent planning, which allows the State to make permanency arrangements for adoption while attempts to reunite the family are made. Many children remain in foster care so long because States fail to make arrangements for the child should reunification efforts fail.

Third, we provide incentive payments to States that quickly find permanent, loving homes. States will receive incentive payments of \$4,000 for each adoption and \$6,000 for special needs adoptions. From the beginning, Republicans and Democrats, both House and Senate, have worked together on behalf of our Nation's children. I have no doubt that the commitment to helping those children will continue until this bill is signed into law.

We are on the brink of a significant accomplishment. It is our children who are the beneficiaries. This bill will ensure that a permanent, loving home is within the reach of every child. In the eyes of every child, we see the boundless possibilities for our future. No child should grow up without a loving home. But in those instances where changes must be made, we must have a system that works on behalf of the child, not against them.

Again, I want to thank the chairman of the subcommittee for his efforts, and my coauthor, the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, for bringing this bill to the floor.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN], the ranking member on the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I offer congratulations to the gentleman from Michigan, Mr. DAVID CAMP, and the gentleman from Florida, Mr. CLAY SHAW, the chairman of the subcommittee. The gentlewoman from Connecticut [Mrs. KENNELLY] will some day in the next year or so be leaving this institution, I hope for another one. But it is interesting how her

energy has been unflagging, as has that of the gentleman from Michigan [Mr. CAMP]. Without their enterprise, this bill would not be in the process of enactment. I have enjoyed, again, working with the chairman of the committee on this important measure.

I would also like to pay tribute to the administration for all of its dedication and its energy, as well as to our staff, to all of the staff who worked so hard on this.

□ 1100

The big winners today are obviously the tens of thousands of children who are in the foster care system who need to move on into a permanent setting.

I want to, though, say just a word about other implications of this legislation. I think it reflects the fact that, indeed, in certain vital areas it is critical that there be a constructive partnership between the Federal Government and State and local government. We often here get hung up in theoretical battles about who should do what. Often the answer is working together on the Federal, State, and local levels. We have in this bill certain roles for the Federal Government, not only funding, but a scorecard. And this indicates that we need to do this together.

Second, I think this bill shows that the wild swings of the pendulum in this area are really unfortunate. In my years on the committee, we have been arguing which is better, family preservation or reunification or adoption. I think what this bill says is kind of, get on with it. Let us do what is right for the child, and what is right for the child will depend on each particular case. But do not tarry. We should make a decision.

One last point. The funding for this comes from a slight deviation from the contingency fund, or diversion. And we have discussed this. And as I have indicated to the gentleman from Florida [Mr. SHAW], it is my hope that next year we will be able to look at the contingency fund in welfare reform to be sure there is adequate funding. It was critical, though, that we move ahead this year. I am pleased to have been a small part of it.

Again, I want to pay tribute to the gentleman from Michigan [Mr. CAMP], to the gentlewoman from Connecticut [Mrs. KENNELLY] and to the gentleman from Florida [Mr. SHAW] for all of their work.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE], who has been very active in this area of adoption on both the floor and since she has come to the Congress.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW] for yielding me the time.

I rise in strong support of the bipartisan Adoption Promotion Act. I want

to thank my colleagues, especially the gentleman from Florida [Mr. SHAW], the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for all their hard work and dedication on this issue, and also my colleague from Ohio in the other body Senator DEWINE.

Last April, the House passed this bill by an overwhelming vote of 416 to 5. Since then, we have been patiently waiting for the Senate to follow our lead. That day has come. With the passage of this bill today, we will move one step closer to giving the hope of permanency to children in need of a stable, loving home.

Mr. Speaker, every child in America deserves a family and home filled with love and security, free from abuse, free from neglect or the threat of violence. The sad truth is that many children do not enjoy that most basic human right. Of nearly half a million children in foster care, only about 17,000 have entered permanent adoptive homes. What is more astonishing is that, during each of the past 10 years, more children have entered the foster care system than have left it.

This legislation will speed the adoption process, especially for those children with the greatest need, those who have been abused or neglected. In addition, we will elevate children's rights so that a child's health and safety will be of paramount concern under the law.

Mr. Speaker, this is one of the most important changes we can make. Because too often a foster child's best interest, along with common sense, are abandoned as courts and welfare agencies work overtime to put children back in dangerous situations in the name of family reunification. This bill corrects the perverse incentives of the current system that gives States more money if they have more children in foster care. That is just crazy. Now we will provide States more money if they reduce their foster care caseload by placing kids in permanent, stable homes.

Congress and the Federal Government cannot legislate compassion and love for all the Nation's children, but through this legislation we can take reasonable steps to promote family stability and to give children, especially foster children, a fighting chance to see the loving homes that they deserve.

Mr. Speaker, in the interest of thousands of children who need a true family to love and protect them, I urge my colleagues to support this most important legislation. Let us do it for the children.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, it is very, very rare to sit as a Member of this body and to feel so strongly about

the good of the legislation before us. I just want to go "yes." But that is what I feel on this legislation. And for all we get up and gasp, one Member to another, about how we have been working together and all that, this time I mean it, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY], I will forever appreciate and never forget how good their work has been. It is just fabulous.

It is an emotional topic to me because I have adopted two children out of foster care. We got Katherine at 3½ months and Scott at 4½ months. They were babies. We could get on with the business of being a family. And we know that from that comes not just emotional dimensions of stability and security and self-esteem, but actually neurological development issues that are so critical to the ultimate opportunity and fate and lives that these little beings will have.

We face the reality today that there are tens of thousands of precious lives out there in a state of limbo, unable to know where they are going to end up, unable to attach to the loving caregivers that they are spending their days with because they do not know whether they are not going to be with that care-giver anymore.

In some instances, abused children live daily with the fear that they may be sent back by some people in some process they do not begin to understand into a home where the abuse occurred in the first place. They do not even go to bed at night with the sense of personal safety and security. This legislation offers an opportunity to change that.

We have on the books a bill that requires reasonable efforts to achieve family reunification, and that has sent a mixed signal from this body to those on the front lines trying to make this excruciatingly difficult system work. It is time we help clarify the primary objective. And the primary objective comes down to something terribly, terribly simple: Children need families. And that needs to be the overriding goal.

Now, as a parent, I can tell my colleagues that families need children as an also urgent part of this process. But it is the children's interest that is clearly before us and advanced by this legislation. It does so significantly. First of all, it addresses that safety issue. If they are from an abusive home or where there is a question in terms of their safety, they will never be sent back there again, they will never be subject to that threat again.

Second, it brings resolution to the process. For those that are on their fourth or fifth or sixth foster home, while some social worker works to try and make an adult out of a parent whose immaturity has made parenting skills impossible, we bring resolution

to that process; we put this child on track toward a permanent home so they can get on with their development within 1 year.

And finally, we provide the resources to help the States in this regard: \$10 million annually over the next 3 years for technical assistance, \$208 million over the next 5 years to fund the incentives for States so they might take the steps to get this done.

I thank the gentleman from Michigan [Mr. CAMP], the gentleman from Florida [Mr. SHAW]. I thank the gentleman from Michigan [Mr. LEVIN] and the gentlewoman from Connecticut [Mrs. KENNELLY]. As they leave this chamber at the end of this Congress, they will have many, many works of legislative achievement to look back upon. For my money, this one will be the hallmark. They have made a lasting contribution to the well-beings of the children of this country and foster care this morning. And again, I thank them. And on behalf of the people of this country, I thank them for this good work.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I would like to wrap up this side of the aisle, and I yield myself such time as I may consume.

Also, I want to thank the gentleman from North Dakota [Mr. POMEROY] for that statement. He has been there. He has lived it. He has done it. And I thank him very much for coming here today and telling us about it.

I also want to put on the RECORD the fact that Sister Josephine Murphy, director of St. Anne's Infant and Maternity Home in Hyattsville, MD, has been very, very helpful in bringing this piece of legislation forward. As the gentleman from North Dakota [Mr. POMEROY] spoke from a permanent position, so did Sister Josephine tell us about her day-in, day-out work with children and the facts of the matter of one child is returned to an abusive home and how, in fact, that child knows how wrong that is and the suffering that is involved.

Mr. Speaker, our foster care system is an extremely valuable safety net, and I want to emphasize that. The foster care parents across this country are doing valuable service for children who cannot stay in their own birth homes, and I salute them and thank them.

What this bill is about really, though, is to have a child in a permanent home. And where that safety net is there in a foster care home, the child knows when the home is not permanent. When they go to school, they know that the home they are in is not a permanent home. And though they are glad to be there in the safety of that foster care home, what this bill does is bring forward a safe harbor, a place of permanency and love for this child.

We have to state that the number of children in foster care has almost dou-

bled over the last 12 years; 276,000 12 years ago, now twice that amount. And more than 40 percent of foster children stay in the system for more than 2 years. And when a child is 3 years old, obviously that is much too much. This legislation attempts to reverse this trend by placing greater emphasis on finding adoptive parents for children in foster care.

The bill provides States with a financial incentive; \$4,000 a child, \$6,000 if it is a hard-to-place child. This legislation requires States to remove barriers to adoptions such as parental rights to children who will never return to their birth home.

This does not mean we intend to end our Nation's policy of keeping families together. What this legislation leaves intact is a so-called reasonable effort requirement to help reunify families and reauthorize the preservation program for these families. But the bill does attempt to identify situations in which reunifying the family seems unwise or unlikely, such as when severe abuse is taking place.

Let me quote one more time the Washington Post, who summed it up best when it said the bill "puts a new and welcome emphasis on the children."

Mr. Speaker, I yield back the remainder of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think there are so many people who have been working on this legislation. The gentlewoman from Connecticut [Mrs. KENNELLY] mentioned Sister Josephine Murphy, whose personal experience that she shared with us in such a dynamic way both at a press conference immediately preceding this bill coming to the floor, as well as before the committee. We had so many wonderful witnesses give testimony as to what is happening out there and the tragedy of foster care as opposed to getting people into adoption.

I want to thank a few of the staff people, too: Casey Bevan, whose experience in this area has been invaluable to the committee. Deborah Colton, the chief of staff on the Democrat side of the subcommittee, has done a tremendous job of cooperation, as, of course, her boss, the gentleman from Michigan [Mr. LEVIN] has done a tremendous job, for which I am deeply appreciative; and, of course, Ron Haskins, who is the chief of staff on the Republican side and the subcommittee. To all of them, all of my colleagues know that we cannot function with good legislation without competent staff. The competence has been tremendous in this regard, and we certainly appreciate it.

I want to close at this time, Mr. Speaker, in sharing with my colleagues an article that was in the Orlando Sentinel. I was in Orlando Monday night, spending the night, and Tuesday morn-

ing. The headline in one of the lead stories in the Orlando Sentinel was a colored picture of a baby who is designated as "Disney's darling." The reason she was is that she was found in the restroom in the Magic Kingdom, actually in a toilet, where the mother had left this poor child. They had to give the child CPR. But I am pleased to tell my colleagues that this child is doing well. She is loved by the care she is receiving now in the hospital. Her mother is unknown, as, of course, her father is, too. She has been named by the people at the hospital as Baby Jasmine.

I think the House should reflect a moment on the historic nature of what we are doing today. Baby Jasmine has a real good shot, in fact, I would say a probability at this point, partly because of this legislation, that Christmas of 1998 will find her with a real family, her permanent family, a loving family in which she will celebrate the Christmas holidays. And that is a wonderful thing to look forward to for Baby Jasmine, as well as thousands of other kids.

So when we approach the holiday season next year, we will know that this vote, this legislation, has been responsible for placing so many of these kids in a permanent loving home.

□ 1115

I want to close with the words of a 3-year-old. I stated these words when the original bill came to the House floor, but I cannot think of any words that express the meaning of what we are doing today better than these words from a 3-year-old. In meeting her adoptive family, the first family that she had ever known in her 3 years, her first comment, standing in front of them with her hands on her hips, saying, "Where have you been?" "Where have you been?"

This bill is going to expedite this entire process and it is going to bring about the joy of adoption and the bonding of a real family to so many kids.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Florida [Mr. SHAW], that the House suspend the rules and agree to the resolution, House Resolution 327.

The question was taken.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LINDER. Mr. Speaker, pursuant to House Resolution 314, the following

suspensions are expected to be considered today:

S. 738, Amtrak Reform and Accountability Act of 1997;

S. 562, Senior Citizen Home Equity Protection Act;

H.R. 3025, a bill to repeal the Federal charter of group hospitalization and medical services;

And the FDA reform bill.

PROVIDING FOR AN EXCEPTION FROM THE LIMITATION OF CLAUSE 6(d) OF RULE X FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 326 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 326

Resolved, That upon the adoption of this resolution the Committee on Government Reform and Oversight may have not more than eight subcommittees for the duration of the One Hundred Fifth Congress, notwithstanding clause 6(d) of rule X.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides for an exception from the limitation of clause 6(d) of House rule X to permit the Committee on Government Reform and Oversight to temporarily establish an eighth subcommittee for the remainder of the 105th Congress.

When the House adopted the opening day rules package for the 104th Congress, it amended clause 6(d) of House rule X to require that no House committee shall have more than five subcommittees. As a result of this change, the number of subcommittees of standing committees fell from 118 in the 103d Congress to 84 in the 104th Congress.

However, the rule made an exception for the Committee on Government Reform and Oversight. The panel was authorized by the rule to have no more than seven subcommittees. The committee was granted the exception because it absorbed the functions of two standing committees, the District of Columbia Committee and the Post Office and Civil Service Committee, which the House also abolished as part of the opening day package of reforms.

The issues which were consolidated in the government reform panel are important, complex, and often contentious. This is particularly so with respect to the Census Bureau's plans for conducting the year 2000 decennial cen-

sus. It is an issue that is so complex and contentious that it has held up passage of the Commerce, Justice, State appropriations bill until the very last day of this session.

The Committee on Government Reform and Oversight believes that the type of oversight that is needed over issues such as sampling, questionnaire content, and continuous measurement cannot be done effectively by the full committee or by its other subcommittees. Thus, the resolution will allow the committee to establish an eighth subcommittee to accommodate the need for extensive oversight over the census.

I share the concerns of some in the minority that we resist the temptation to expand the number of subcommittees in the House. Some will suggest that oversight of the census can be achieved by transferring that responsibility to another subcommittee, or by consolidating subcommittees to make room for a census subcommittee under the existing limit.

As I mentioned, the committee feels that effective oversight cannot be conducted under the existing subcommittee structure, and I am inclined to give the committee the benefit of the doubt.

But to protect against a permanent expansion of the committee bureaucracy, this resolution does not change the limitations of clause 6(d) of rule X. It simply provides for what will essentially be a 1-year exception for the purposes I just outlined.

I also believe that, irrespective of this temporary exemption, additional subcommittee downsizing is achievable, and that it would facilitate more integrated approaches to policymaking and oversight.

Further, it is my hope that the expenses needed to establish this temporary new subcommittee will, to the extent possible, be derived from the existing resources of the Committee on Government Reform and Oversight.

Given the unique nature of the request for this additional subcommittee and the safeguards against a permanent increase in committee bureaucracy, I urge the adoption of this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, in the 103d Congress, as the chair of the Democratic caucus committee on oversight, study, and review, I was responsible for drafting the Democratic caucus rules that implemented most of the current limitations on the number of subcommittees that any committee may have. While working on this issue, I had the opportunity to review the history of the House on the issue of the number of committees and subcommittees. I found that in

each major reorganization, the number of committees and subcommittees was reduced. However, in each case soon thereafter the number of each began to creep upward again. Therefore, it is of little surprise to me that the majority is beginning to retreat from its self-proclaimed reforms. What I do find surprising is that they are making this exception with so little thought and displaying a notable lack of planning and foresight.

At last night's Committee on Rules meeting, only the chair of the subcommittee that currently has oversight over the census testified. He was unable to tell us how much the additional subcommittee would cost. He was unable to tell us where the extra funds would come from. He was unable to tell us why the committee chose not to reorganize their seven subcommittees so that the subcommittee with the census would have fewer other areas of jurisdiction. He did not tell us why the committee's leadership when organizing the subcommittee for this Congress did not take into account the increased activity on the census. The decennial census does not take any of us by surprise. As my friends in the majority often remind us, the census is mandated in article I, section 2 of the Constitution. Did the committee leadership forget the census was coming up in the year 2000 when it organized? Or do we have a multitude of new issues regarding the conduct of the census?

Mr. Speaker, I testified at a 1989 hearing on the census. My testimony centered on the problems of the census undercount and its implications for a representative government such as ours. And what was the controversial topic at that time? This is 1989. Whether sampling should be used to correct the undercount.

Mr. Speaker, as Members can see, these issues, while very important, are neither new nor unable to be anticipated when the Committee on Government Reform and Oversight organized earlier this year. Perhaps the committee is forming an eighth subcommittee to request more resources from the House. If this were the case, one would hope that they would at least know how much they would need. But last night's testimony was that they did not know. We should remember that this committee, the Committee on Government Reform and Oversight, already has the largest budget and the largest staff of any of the committees funded through the legislative appropriations bill. Surely within its more than \$20 million budget, which is an increase of 47 percent over the 104th Congress, and within its more than 134 employees, it could simply reallocate resources to the effort. But, no, we are told that we must make an exemption from the subcommittee limitation rule for the Committee on Government Reform and Oversight, a

committee that already has two more subcommittees than most legislative committees. As the Member who for 4 years had the responsibility of reviewing changes in caucus and House rules, I know that sometimes flexibility is required. Exceptional, unforeseen circumstances can and do occur. However, this proposal does not meet any of the criteria that might warrant a rules exception. The census was clearly foreseeable. The committee has both the ability and the resources to reallocate jurisdiction among its current seven subcommittees to adjust for the increasing census workload. A proposal worthy of a change in House rules would include a proposed budget and staffing needs. From testimony at the Rules hearing last night, this proposed change has not been thought out even as to those basic, minimal requirements.

Mr. Speaker, this rules change itself is not that important. However, it does reveal the propensity shown by this supposedly conservative majority to simply change the House rules or, for that matter, the U.S. Constitution for convenience or for politics. A true conservative would join me in demanding a rigorous analysis of the need to change either. Certainly this proposal does not meet that test. I ask my colleagues to reject this hasty, ill-conceived exemption from the House rules.

Mr. Speaker, I urge a "no" vote on the previous question. If it is defeated, I will offer an amendment to guarantee the House a separate vote on additional funding to what already is the most expensive committee in this House. I ask that the amendment be printed immediately before the vote on the previous question.

Mr. Speaker, I ask my colleagues to live up to their promises of accountability. Do not tap the slush fund. Vote "no" on the previous question so that the House will vote on additional funding.

Mr. Speaker, I include material on ordering the previous question, as follows:

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote.

A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan.

It is a vote about what the House should be debating.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

The text of the proposed amendment is as follows:

PREVIOUS QUESTION FOR H. RES. 326—AMENDING CLAUSE 6(D), RULE X—ADDING AN 8TH SUBCOMMITTEE

At the end of the resolution, add the following new section:

"Sec. . Any funding provided pursuant to this resolution must be approved by the House."

Mr. RANGEL. Mr. Speaker, I rise in support of H.R. 867, the Adoption and Safe Families Act of 1997 because I believe it can improve the lives of many children who find themselves in foster care. Congresswoman BARBARA KENNELLY and Congressman DAVID CAMP deserves our thanks for pulling together a bill that enjoys broad bipartisan support—and for negotiating a good compromise with our Senate colleagues.

H.R. 867 makes commonsense improvements in our child welfare and foster care laws. It makes clear that, in making a reasonable efforts to reunify a family, the child's is paramount. It reauthorizes the capped entitlement funds that we have set aside to preserve and reunify families and promote adoption. It extends health insurance to those children with special needs who cannot be adopted without such coverage. And, it creates an incentive system that will reward those States that increase the number of children who are adopted out of foster care. These are all good reforms, and long overdue.

H.R. 867 may have an even more dramatic effect on the lives of children in foster care. Its success depends, in large measure, on how the States implement the provisions of this new law. It can reduce the number of children in foster care if State's take seriously our instruction to begin proceedings to terminate parental rights sooner under certain circumstances. But, handled the wrong way, this new requirement could just as easily spell disaster.

If the end result of this requirement is to flood the courts with requests to terminate parental rights, we will have done little to help these children. And, if States make excessive use of their authority to ignore these requirements when there is a compelling reason to do so, little will have been accomplished. A delicate balancing act is required, for each and every child, to make certain that we have done all that we can to assure that these children have the happiest, healthiest home environment possible.

Let me also comment on the provision of the bill that addresses adoption of children across State lines. The folklore would have it that States hold on to children who could otherwise be adopted out of State because they don't want to give up the Federal foster care payment. More likely, they fear that they cannot adequately monitor these placements. Whatever, the reason, this bill makes clear that geographically alone should not be a barrier to adoptive placement.

This provision deliberately does not mirror the language of the Multi-Ethnic Placement Act—which calls for States to follow a first come, first served approach to adoptions, turning a blind eye to race and ethnicity. My views on that act are clear. Our paramount concern should be what is best for the child, not what is best for the adults who may be waiting to adopt that child.

H.R. 867 makes clear that we are not applying this shortsighted, first come, first served approach to adoptive placements across State lines. We leave in the hands of the professionals decisions about what the best place-

ment is for the child and instruct States to take steps to eliminate any arbitrary barriers to adoption across State lines. This, in my view, is a far more responsible, and practical approach that was taken in the Multi Ethnic Placement Act.

Mr. Speaker, more than half a million of our children are in foster care today, twice as many as were in care in the mid 1980's. With a little support from us, most of these children will return home. For those that cannot, the adoption provisions of H.R. 867 can make a difference. A happy, healthy permanent home is our goal—for every one of these children.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 194, not voting 18, as follows:

[Roll No. 633]

YEAS—220

Aderholt	Christensen	Gibbons
Archer	Coble	Gilchrest
Armey	Coburn	Gillmor
Bachus	Collins	Gilman
Baker	Cook	Goodlatte
Ballenger	Cooksey	Goodling
Barr	Cox	Goss
Barrett (NE)	Crane	Graham
Bartlett	Crapo	Granger
Barton	Cunningham	Greenwood
Bass	Davis (VA)	Gutknecht
Bateman	Deal	Hansen
Bereuter	DeLay	Hastert
Billbray	Diaz-Balart	Hastings (WA)
Billirakis	Dickey	Hayworth
Billiey	Doolittle	Hefley
Blunt	Dreier	Herger
Boehlert	Duncan	Hill
Boehner	Dunn	Hilleary
Bonilla	Ehlers	Hobson
Bono	Ehrlich	Hoekstra
Brady	Emerson	Horn
Bryant	English	Hostettler
Bunning	Ensign	Hulshof
Burr	Everett	Hunter
Burton	Ewing	Hutchinson
Buyer	Fawell	Hyde
Callahan	Foley	Inglis
Calvert	Forbes	Istook
Camp	Fossella	Jenkins
Campbell	Fowler	Johnson (CT)
Canady	Fox	Johnson, Sam
Cannon	Franks (NJ)	Jones
Castle	Frelinghuysen	Kasich
Chabot	Gallegly	Kelly
Chambliss	Ganske	Kim
Chenoweth	Gekas	King (NY)

Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBlondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley

Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays

Shimkus
Shuster
Skeen
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)

Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr

Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gelderson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klecza
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara

McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor
Payne
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Santorum
Scherer
Schnitzler
Sisk
Snyder
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher

Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)

Combest
Cubin
Flake
Gephardt
Gonzalez
Houghton
Johnson, E. B.

NOT VOTING—18

Matsui
Millender-McDonald
Mink
Pelosi
Riggs
Riley

□ 1147

Mr. SHAYS changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair announces that this will be a 15-minute vote, and, without objection, the vote on the motion to suspend the rules and agree to House Resolution 327 will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 219, noes 195, not voting 18, as follows:

[Roll No. 634]

AYES—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Billbray
Bilirakis
Bliley
Blunt
Boehert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins

Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gillman
Goodlatte
Goodling
Goss

Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Ingalls
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio

Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBlondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon

Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus

Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio

Filner
Ford
Frank (MA)
Frost
Furse
Gelderson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klecza
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre

McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Santorum
Scherer
Schnitzler
Sisk
Snyder
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher

Taylor (MS)	Velázquez	Weygand
Thompson	Vento	Wise
Thurman	Visclosky	Woolsey
Tierney	Waters	Wynn
Torres	Watt (NC)	Yates
Towns	Waxman	
Turner	Wexler	

NOT VOTING—18

Bartlett	Houghton	Schiff
Buyer	Johnson, E. B.	Scott
Combest	Matsui	Smith (OR)
Cubin	Millender	Stark
Flake	McDonald	White
Gephardt	Mink	
Gonzalez	Riley	

□ 1205

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2977. An act to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 927. An act to reauthorize the Sea Grant Program; and

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE AND COMMITTEE ON SCIENCE

The SPEAKER pro tempore (Mr. MILLER of Florida) laid before the House the following resignation as a member of the Committee on Transportation and Infrastructure and the Committee on Science:

HOUSE OF REPRESENTATIVES,
November 7, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, the Capitol, Washington, DC.

DEAR MR. SPEAKER: Please accept my resignation from the Committee on Transportation and Infrastructure and the Committee on Science.

Sincerely,

BUD CRAMER,
Member of Congress

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a resolution (H. Res. 328) and

I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 328

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Appropriations, Robert "Bud" Cramer of Alabama.

To the Committee on the Budget, David Price of North Carolina.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADOPTION AND SAFE FAMILIES ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 327.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and agree to the resolution, House Resolution 327, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 7, not voting 19, as follows:

[Roll No. 635]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Billbray
Billrakis
Bishop
Blagojevich
Billey
Blumenauer
Blunt
Boehlt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady

Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chabot
Chambless
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coynne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)

Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford

Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gedensson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)

Lewis (KY)
Linder
Lipinski
Livingston
LoBlundo
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meehan
Meek
Menendez
Metcalfe
Mica
Millender
McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshards
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer

Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—7

Cannon	Manzullo	Wamp
Gordon	Mink	
LaHood	Paul	

NOT VOTING—19

Armey	Houghton	Scott
Buyer	John	Smith (OR)
Combest	Johnson, E. B.	Stark
Cubin	Maloney (CT)	Weldon (PA)
Flake	Matsul	White
Gephardt	Riley	
Gonzalez	Schiff	

□ 1217

Mr. WAMP changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall vote nos. 633–635 on House Resolution 326 and 327 I was unavoidably detained. Had I been present I would have voted "no" on 633, "no" on 634, and "yes" on 635.

ANNOUNCEMENT OF SENATE BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. MCCOLLUM. Madam Speaker, pursuant to House Resolution 314, the following suspension is expected to be considered today: S. 927, on sea grants.

ESTABLISHMENT OF 2,500 BOYS AND GIRLS CLUBS BEFORE 2000

Mr. MCCOLLUM. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1753) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2) and inserting the following:

"(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 1999."

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended—

(1) in subsection (b)(2), by striking "or rural" and all that follows through the end and inserting the following: "rural area, or Indian reservation with a population of high risk youth as defined in section 517 of the Public Health Service Act (42 U.S.C. 290bb-23) of sufficient size to warrant the establishment of a Boys and Girls Club."; and

(2) by striking subsection (c) and inserting the following:

"(c) ESTABLISHMENT.—

"(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

"(2) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

"(A) includes a long-term strategy to establish 1,000 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

"(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

"(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

"(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued."

(c) ROLE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

"(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—

"(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program; and

"(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from Texas [Ms. JACKSON-LEE] will each control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1753, the bill under consideration.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1753, which was introduced by the gentleman from Illinois, Chairman HYDE, would amend a provision that acted as part of the Economic Espionage Act of 1996, which au-

thorized \$100 million in Federal seed money over 5 years to establish an additional 1,000 Boys and Girls Clubs in public housing and distressed areas throughout the country.

H.R. 1753 would make several administrative changes to current law, streamlining the application process for the clubs, and permitting a small amount of the funds to be used to establish a role model speakers program to encourage and motivate young people nationwide.

The primary purpose of this program is to ensure that at least 2,500 Boys and Girls Clubs are established by the year 2000. Because the goal is expected to be realized through the existing authorization of the 1996 act, H.R. 1753 does not require new Federal spending. As of 1996, there were 1,800 Boys and Girls Clubs facilities in the United States.

Congress has been supportive of Boys and Girls Clubs of America for a number of years because it has shown itself to be an impressive private sector program that really makes a difference in the lives of young people. Boys and Girls Clubs have a fantastic reputation for establishing effective community programs that assist youth in developing into hardworking, caring, and law-abiding citizens.

Recent research at Columbia University has shown that Boys and Girls Clubs have been highly successful in reducing drug activities and juvenile crime in public housing developments. Members of Boys and Girls Clubs also do better in school and are less attracted to gangs.

The importance of Boys and Girls Clubs in fighting drug abuse, gang recruitment, and moral poverty cannot be overstated. Indeed, Federal efforts are already paying off. Using over \$15 million in Federal seed money appropriated in 1996, the Boys and Girls Clubs opened 208 clubs in 1996. These clubs are providing positive places of safety, learning, and encouragement for about 180,000 more kids than the year before.

In my home State of Florida, these funds have helped open 23 new clubs and keep an additional 25,000 kids away from gangs, drugs, and crime. Two hundred more clubs are expected to be established as a result of this year's \$20 million appropriation.

H.R. 1753 builds on Congress' continued efforts to ensure that, with Federal seed money, the Boys and Girls Clubs of America is able to expand to serve an additional 1 million young people through at least 2,500 clubs by the year 2000.

I want to take a moment to emphasize that this program only provides seed money for the construction and expansion, actual bricks and mortar, of Boys and Girls Clubs across the country. Once the clubs are open, they will operate without significant Federal funds. The reason Boys and Girls Clubs

have been successful and the reason Congress wants to do more for them is because they are locally run and dependent primarily on community involvement for their success.

In an era where billions are being spent on bloated, never-ending federally-run programs, support of the Boys and Girls Clubs is a short-term yet significant way that serves as a model for the proper role of the Federal Government in crime prevention.

H.R. 1753 has a companion bill, S. 476, sponsored by Senator HATCH. S. 476 passed the Senate without amendment by voice vote on May 15, 1997. If the House passes H.R. 1753, I will ask unanimous consent that the House move to strike all after the enacting clause of the Senate bill, S. 476, and insert in the text the House-passed version of H.R. 1753. This is a customary practice and would allow the House to send S. 476 back to the Senate with the text of the House-passed bill as amended.

Madam Speaker, this is a bipartisan proposal that I urge my colleagues to support.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the chairman of the subcommittee, the gentleman from Florida [Mr. McCOLLUM], the gentleman from Wisconsin [Mr. BARRETT], and the ranking member of the subcommittee of the Committee on the Judiciary on this issue.

There is no doubt that all of us are concerned about preventative measures for taking our children off the streets. This is a very worthwhile bill. This bill will speed the distribution of funds to Boys and Girls Clubs, which are some of the most valuable nonprofit institutions in many of our communities.

On a personal note, I have served on the board of directors of the Boys and Girls Club in Houston and saw the merging of the girls and boys club to make it the Boys and Girls Club in our community.

The Boys and Girls Club of America was founded in 1906. There are now more than 1,800 Boys and Girls Clubs throughout the United States. This Federal funding will support the creation of another 1,000 clubs. This is certainly not a bill of special interests. I understand that the Justice Department appropriations bill that we will vote on later today will have \$20 million for this program, and I applaud that.

I only wish, as we proceed, and I will inquire of the chairman of the subcommittee, that we can be open to funding a broader array of initiatives like this. The truth is that programs like the Boys and Girls Club have proven to be one of the most effective ways to keep young people away from drugs and gangs and on the road to a productive adulthood.

The Manhattan Institute, for example, which is a conservative think tank, recently released a report by a task force headed by Bill Bennett, also someone who is generally thought to be fairly conservative. They did an intensive study of three crime prevention programs, the Big Brothers and Big Sisters mentoring program, a church-run program in Boston, and an early intervention program in Pittsburgh.

They found that these programs dramatically reduced the level of gang and crime involvement by the young people who were fortunate enough to have access to the program. The problem, of course, is that these programs can reach only a fraction of the kids who are at risk.

So when I see the bill before us today, it certainly is a step in the right direction, but we realize that we must go further. Look, for example, at the youth recreation leagues and after-school programs that were part of the 1994 crime bill but yet have been defunded in 1995. Certainly the Rand study commits us to realizing that prevention is worth an ounce of cure.

So I commend this bill, I commend the leadership on this bill, and before I yield my time or reserve my time, Madam Speaker, I would like to inquire of the chairman of the subcommittee and raise a question with him.

Our community came together in Houston under the leadership of our present mayor and city council and recognized that not only was the Boys and Girls Club very important, but the Boy Scouts and Girl Scouts, and they also found something else that tickled the fancy of our children, recreation; recreation for the physically challenged, recreation for the inner-city youth, recreation for the suburban youth within the city limits.

We organized basketball and soccer and Little League. We committed ourselves to the Zena Garrison tennis program. Now we have about 80,000 youngsters throughout the city of Houston in all manner of recreational programs, keeping them off the streets, keeping our parks open after school into the late hours.

Madam Speaker, I would simply ask the question of the gentleman from Florida [Mr. McCOLLUM], as we are able to discuss this very important bill and pass it today, the opportunities for reviewing and supporting programs like that throughout our Nation.

Mr. McCOLLUM. Madam Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. McCOLLUM. Madam Speaker, I thank the gentlewoman for yielding to me.

Madam Speaker, programs such as the gentlewoman describes exist in a variety of forms throughout the Nation, not just in Houston but in most

cities. They are, that is the underlying word, a variety of forms to help occupy our youth and combat crime.

I fully support them, as the gentlewoman does. That is why we have the community block grant program under the crime legislation we have passed for a couple of years now, with a lot of Federal money going back to the communities, letting them decide individually what programs are best for them.

I am sure that Houston, as the other communities in our country, will decide that many of the programs such as the gentlewoman has described are worthy of support. Boys and Girls Clubs happen to be one that is universally accepted and is around the entire country. We are very pleased that we can particularly target that, because we know that it is effective in every community. Other programs are different in different communities, but the funds are there. We will continue to support them.

Ms. JACKSON-LEE of Texas. I thank the chairman. So I understand that he is saying that those particular programs with community effort and coordination could make application to the Justice Department under those crime prevention programs?

Mr. McCOLLUM. Madam Speaker, if the gentlewoman will continue to yield, the way the block grant program works is that the money goes to the city of Houston or to the county, and I do not know the name of the gentlewoman's county, for example, and they have a board and a system, the county commissioners, city commissioners. They can decide whether to spend the money on police or on some of those prevention programs or however they want to spend it. They make those decisions, not the Justice Department.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of H.R. 1753. As a member of the Judiciary Committee and of the Subcommittee on Crime, through which this legislation passed, I was pleased to see this worthy piece of legislation receive broad bipartisan backing. I want to thank both Chairman HYDE and Chairman McCOLLUM for their leadership in moving H.R. 1753 forward to the floor.

In 1996, Congress authorized \$100 million in Federal seed money over 5 years to establish an additional 1,000 Boys and Girls clubs in public housing and distressed areas throughout the country. H.R. 1753 now makes administrative changes to current law, streamlining the application process for the clubs and ensuring that at least 2,500 clubs are established by the year 2000. At the end of 1996 there were 1,800 Boys and Girls clubs facilities in the United States.

In every community there are hundreds of boys and girls left to find their own recreation and companionship in the streets. An increasing number of children spend many hours alone with no adult care or supervision. Young people need to know that someone cares about them and that there are concerned and capable adults to whom they can turn. Boys and Girls clubs offer that and more.

Boys and Girls clubs are a tested and proven nationally recognized program that addresses today's most pressing youth issues—teaching young people the skills they need to succeed in life. Boys and Girls clubs provide young people access to programs on the education and the environment, health, the arts, careers, alcohol and drug prevention, pregnancy prevention, gang prevention, leadership development, and athletics.

The Boys and Girls clubs of America have served 2.6 million children: 71 percent live in urban/inner-city areas; 53 percent live in single-parent families; 42 percent come from families with annual incomes below \$22,000; 51 percent live in families with three or more children; 56 percent are from minority families; 16 percent are 7 years and under; 34 percent are 8 to 10-years-old; 29 percent are 11 to 13-years-old; 21 percent are 14 to 18-years-old; and 62 percent are boys, 38 percent are girls.

It is a remarkable fact, and one meriting our remembrance, that it costs approximately \$200 per youth per year to run a Boys and Girls club. It costs between \$25,000 and \$75,000 a year to keep a young adult in jail for 1 year. This is evidence that the Boys and Girls clubs—a proven delinquency prevention program—are a terrific bargain.

Madam Speaker, this is a bill that I truly believe can and should be supported by all of my colleagues. I urge each of you to vote in favor of H.R. 1753.

Madam Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER], a member of the committee.

Mr. BUYER. Madam Speaker, I appreciate the discussion from the gentlewoman from Houston, because I remember back in the 1994 crime bill discussion and the whole issue about midnight basketball and crime prevention programs. And what the dispute was about at the time was the Federal Government having a one-size-fits-all program, saying, here is the criteria and you force it down, and force all communities in America to comply with this standard that is set out here in Washington.

The Republican philosophy is that in fact we support prevention programs. What we do not appreciate is the arrogance of the Federal Government in Washington dictating to our communities what they should and should not do.

So that is why I compliment the leadership of the gentleman from Florida, Mr. BILL MCCOLLUM, basically sending that message out. I remember his debates while he was in the minority during the crime bill, and he felt as though he was a voice with no one listening, but I was listening, and I think many in America in fact were.

When we look out there, there are only so many different things that we have. We have the education, prevention, rehabilitation, retribution, restitution, deterrence, and there was this overfocus, overfocus on the rehabilita-

tive side and prevention and education, to the point where they began to be coddling the criminal.

Then we took a step back and said, wait a minute, let us bring better balance to the judicial system. So when Republicans took over the Congress, we then tried to bring back some stability to the justice system.

When we looked at the juvenile crime issue, and compliments to the Subcommittee on Crime going out in 1996 and conducting their regional forums around the country, we learned that there is a growing escalation on juvenile crime, and that is a concern. So how do we address that?

□ 1230

Well, we can address it on many different fronts. But, in particular, let us not forget the issue on prevention. Republicans support prevention programs. That is the message here. So I have gone through those debates, and I have heard from this side of the aisle that like to bash Republicans in saying, "They do not support prevention," "They do not care." That is false.

When we are in our communities and we see the growing need, that is why I am so pleased that there is a bipartisan legislation here on the floor today to escalate the number of Boys and Girls Clubs in America. The FBI states that the trend, if it continues as we have over the past 10 years, juvenile arrests for violent crime will more than double by the year 2010. The FBI predicts that juvenile arrests for murder will increase 125 percent, forcible rape arrests will increase 66 percent, and aggravated assault arrests will increase 129 percent. Those are pretty startling numbers.

This dramatic increase in youth crime has occurred in the midst of a declining youth population, a trend soon to change. In the final years of this decade and throughout the next, America will experience a population surge made up of the children of today's aging baby-boomers. Today's enormous cohort of the 5-year-olds, in fact, become tomorrow's teenagers.

So this legislation is extremely important. It is much needed to authorize the Boys and Girls Clubs of America. This organization is providing a place for social interaction and recreation of our young people. I know that in my district, which is a predominantly rural district, in some communities many young people simply have no place to go to make constructive use of their time. And what is a proven statistic is that more than half of all crimes against teenagers occur on or near schools. Boys and Girls Clubs provide a place for positive influences to permeate a young person's life. In other words, we want a child to have a role model for whom they can identify with, hands on, not some role model that plays basketball or football or

they only idolize. An actual role model that they can see within their community is what is extremely important here.

This bill also includes an amendment that I offered in the Committee on the Judiciary to ensure that rural areas are capable of qualifying to have Boys and Girls Clubs. We understand that the growing problems that we have in our urban areas to include the inner city and public housing, but we also want to make sure that in rural America we do not have a growing escalation of juvenile crime.

I have visited those juvenile detention centers in my congressional district, and it is very painful to stand there and peer through the little window and we see these 12-, 13- and 14-year-olds in jumpsuits, and we look at those big brown eyes, but what we really see behind them, though, is some anger. And they really need someone to reach out to. I sit there, and as I look through there and I see them, I think if only this community would, in fact, have had a Boys and Girls Club, how many of these children could we have changed their life and had a positive influence.

So let me compliment the gentleman from Michigan [Mr. CONYERS] and in particular the gentleman from Illinois [Mr. HYDE] and the gentleman from Utah [Mr. HATCH] in the Senate for bringing this legislation, and the gentleman from Florida [Mr. MCCOLLUM]. This is truly needed, and it is a compliment to the gentleman from Florida [Mr. MCCOLLUM] for bringing this today.

Mr. MCCOLLUM. Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, might I inquire the amount of time remaining for me and the gentleman from Florida [Mr. MCCOLLUM]?

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from Texas [Ms. JACKSON-LEE] has 14 minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 11 minutes remaining.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself 15 seconds.

I certainly appreciate the affirmation of the previous speaker to the importance of intervention and prevention. I would like to reaffirm the fact that the major debate on this issue came in the 1994 crime bill passed by a Democratic Congress and President and the support of the Rand study that says prevention is the way we should be directed.

Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT], who is a lead Democratic sponsor of this legislation.

Mr. BARRETT of Wisconsin. Madam Speaker, I rise today in support of House bill 1753, a bill that will continue the effort that Congress began last year to provide kids throughout America with a safe, productive, and healthy

place to go after school and on weekends.

Last year's legislation authorized Federal seed money to support the Boys and Girls Clubs of America 5-year plan to establish 1,000 new clubs by the year 2000, bringing the total number of clubs to 2,500. This bill will streamline the application process for new clubs and allow a small portion of the funds to be used to establish a role model speakers program.

I commend the gentleman from Illinois [Mr. HYDE] for his sponsorship of this legislation. It is truly a bipartisan bill and has received no opposition in committee. The Boys and Girls Clubs of America have been recognized as an efficient organization, advancing a cause that we can all support. The organization is dedicated solely to youth, with a special emphasis on those kids who are at risk. Fifty-three percent of the kids who are members of Boys and Girls Clubs come from single-parent families. Fifty-six percent are from minority families. And forty-two percent come from families with annual incomes below \$22,000 a year.

The Federal commitment to Boys and Girls Clubs provides \$20 million per year for 5 years to establish new clubs. Once clubs are opened, they operate without significant Federal support. Relatively speaking, this is a modest commitment when we look at the amount spent on the No. 1 enemy of our Nation's youth.

Our Nation's drug czar, General McCaffrey, earlier this week said that Americans spent an estimated \$57 billion on illegal drugs. Our commitment to the Boys and Girls Clubs of America will provide millions of kids with a healthy alternative to crime and drug abuse. We know that after school hours are the most dangerous time for our children. I sure would much rather see our young kids shooting baskets than shooting each other. And I would much rather see our kids pounding keys on a computer than pushing drugs.

Madam Speaker, there is one more point that has to be made. While young people are more likely than any other group to commit crime, we must remember that they are also the most likely age group to be victimized by crime. A Columbia University study revealed the impressive impact of Boys and Girls Club located in public housing. Areas with these clubs saw a 13-percent decrease in juvenile crime and 22 percent decrease in drug activity. These numbers translate into safer streets and a generation of youth that are less likely to fall into trouble with crime and drugs.

Madam Speaker, I appreciate this opportunity to support our Nation's young people. This is a commitment that we should continue. I urge my colleagues to support this bill.

Mr. MCCOLLUM. Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Madam Speaker, I thank the gentlewoman from Texas for yielding me the time.

I rise, obviously, in strong support of this legislation. I presume there will be unanimous support for this legislation. As one who has been involved in the Boys and Girls Clubs through many years and who was himself a participant in the Miami Boys and Girls Club when I was in my very early teens, I can attest to the effectiveness of these organizations.

In recent years, I have cochaired the breakfast held annually on Capitol Hill with Senator STROM THURMOND. As we all know, the Boys and Girls Clubs are authorized under a congressional act and chartered under a congressional act; and, so, they submit annually a report to the Congress of the United States. It is one of the best breakfasts that I attend during the year, because at that point in time, they cite from four regions of the country outstanding young people. Invariably, those young people have overcome incredible obstacles to become outstanding young people, both academically, athletically, civically. They contribute mightily as young people to their peers and mightily to the strength of this Nation.

This effort, therefore, is a very worthwhile effort, which, for a relatively modest investment, will pay off incredibly large dividends. Investing in our young people clearly is the best investment that we citizens can make. Investing tax dollars in our young citizens is one of the best application of tax dollars that we can make, and, in my opinion, an investment strongly supported by the American people.

So I am very pleased to join the gentleman from Florida [Mr. MCCOLLUM], the gentlewoman from Texas [Ms. JACKSON-LEE] and the committee in putting forth this bill, which will have great positive impact on the future of our country.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Maryland [Mr. HOYER] for his leadership with the Boys and Girls Club of America.

Madam Speaker, I yield 3½ minutes to the gentlewoman from California [Ms. WATERS], the distinguished chairman of the Congressional Black Caucus.

Ms. WATERS. Madam Speaker, I rise to join with all of my colleagues on both sides of the aisle to support the Boys and Girls Clubs of America. Is it not wonderful to have something on the floor that we can all agree on?

I do not need to tell my colleagues about all of the advantages of the Boys and Girls Clubs of America. But I first need to stop and thank Denzel Washington. Denzel Washington is one of

the finest artists-actors in Hollywood, and he is the national spokesperson for Boys and Girls Clubs of America. He is the national spokesperson because his life was changed because of the attention he received from the Boys and Girls Clubs of America in his neighborhood when he was growing up. So I get to thank him on this floor today and say to him that his leadership is what helps to bring us to this kind of movement, where we have Democrats and Republicans together to say that it is about time we pay attention to our young people.

It is a good thing that we do here today to invest in our young people. We talk about children and young people all the time, but seldom do we really put the money where our mouths are. Today, we agree on resources. We agreed that \$100 million will be given to Boys and Girls Clubs back in 1996, with \$20 million for 1997, \$20 million for 1998, leading up to the year 2000, when we should have appropriated the entire \$100 million.

I am very pleased and proud to be on the floor today not arguing against something, not fighting with somebody about something, but rather joining hands with both sides of the aisle to say, this is for the children, this is for the boys and girls of America, inner city, rural America.

Mr. HOYER. Madam Speaker, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Maryland.

Mr. HOYER. Madam Speaker, I thank the gentlewoman from California [Ms. WATERS] for yielding.

I want to join her very appropriate comments regarding Denzel Washington, who has been a really outstanding leader.

Also, we ought to mention Colin Powell. This is one of the first boards that he joined among thousands that he was requested to join. So many people understand the worth of this organization and, therefore, join in it.

And I want to congratulate the gentlewoman from California [Ms. WATERS] herself, who is a leader in this country of national renown, who herself has joined in this effort, and I thank her for her efforts.

Ms. WATERS. Madam Speaker, reclaiming my time, let me just say that in the State of California, when I was in the California State assembly, I had a piece of legislation that was signed into law that appropriated dollars for capital outlay for Boys and Girls Clubs. We discovered that the roofs were falling in, that they needed more space, that they needed air conditioning, et cetera, et cetera. And we were able to do that. We got matching grants from the private sector that helped to expand the Boys and Girls Clubs and their ability to provide the services to the young people that they are organized to do.

So this reminds me of that bill when I was in Sacramento and what we were able to do with capital outlay. This goes even further than that.

I would like to thank Members on both sides of the aisle and my Republican friends that I can call friends today, maybe not tomorrow, but today for this bill. I thank them all very much.

□ 1245

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself 1 minute to simply thank the gentleman from Illinois [Mr. HYDE], the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Michigan [Mr. CONYERS], the gentleman from New York [Mr. SCHUMER] and the sponsors of this legislation that exhibits bipartisanship. I think it is important to reemphasize that the issue of intervention and prevention has to be the call of the day for preventing juvenile crime.

I am reminded of the Riggs-Scott bill, H.R. 1818, that can bring about the opportunity for individual communities to raise up programs to secure moneys to prevent juvenile crime. We want to encourage them, and we certainly appreciate the establishment or expanding of Boys and Girls Clubs. They have done such a great job. My applause to Denzel Washington and Colin Powell for all the work they have done.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS], the esteemed ranking member of the Committee on the Judiciary.

Mr. CONYERS. Madam Speaker, this is a great moment in American legislative history. The vibes are wonderful. When the gentleman from Florida [Mr. MCCOLLUM], the gentlewoman from Texas [Ms. JACKSON-LEE], the gentlewoman from California [Ms. WATERS], the gentleman from Indiana [Mr. BUYER], the gentleman from Wisconsin [Mr. BARRETT] and the gentleman from Maryland [Mr. HOYER] all get together, we know we are doing the Lord's work.

Madam Speaker, I want to ask the gentleman from Florida [Mr. MCCOLLUM], the subcommittee chairman, is it correct that the Justice bill is being held up because there are \$750 million in for adult prisons, \$87 million in for juvenile prisons, \$250 million in for juvenile justice grant programs, 35 percent of which is to be used for juvenile prisons?

Mr. MCCOLLUM. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. My understanding is the State-Justice-Commerce appropriations bill, if that is what the gentleman is referring to, is now in progress and is coming to the floor. I do not think it is being held up at the moment at all.

Mr. CONYERS. I feel better already. We are off to a good start. Everybody agrees Boys and Girls Clubs are great. All I want to do now is to keep us all focused in the second term of the 105th Congress and we take a little look at the police athletic leagues, at the other organizations that may be youth recreation leagues and after-school programs that might also deserve this attention for the very same reasons that the Boys and Girls Clubs are getting it. Could I ask my dear friend from Florida if he can keep his horizons open in the next year if we find other equally deserving organizations?

Mr. MCCOLLUM. I certainly support, as I indicated to the gentlewoman from Texas, many of the prevention programs and the organizations around the country. This one has a Federal charter, as the gentleman knows. I find the grant programs, both the community direct block grant program we have as well as the grant program moving through Congress now with regard to the Office of Juvenile Justice links provision, to be very good devices for this purpose.

Mr. CONYERS. So I take it the answer is yes, the gentleman will be looking with me at other deserving organizations? Some may not be chartered, but that does not make them less deserving.

Mr. MCCOLLUM. I would support and do support a lot of these programs, but I want the cities and the counties and the States to decide which ones get the money rather than the gentleman and I, unless they are an exceptional longstanding Federal charter program like this one. I do favor the prevention programs; I just do not want to make the decision here in Washington on which one gets it.

Mr. CONYERS. Madam Speaker, people like the gentleman and I are not known for dictating to the States and local governments. So if we look at it together, if we find another one, maybe even just one, and then we could kind of move it along. The gentleman gets the drift.

Let us keep the lights on and celebrate Boys and Girls Clubs, and if there is anybody else that deserves it. If they are undeserving, not a nickel do they get. If they do not have strict accounting procedures, "Sorry, you don't qualify." But if they are really good and meet all of our criteria, we might send a few nickels out to some others. Why not?

Everybody says it does many good things. It is stopping kids from going down the wrong track. There is not a man, woman or child that is against that. I too weigh in with my full, unqualified, unstinting support. I thank both of the leaders in the Committee on the Judiciary who managed this bill.

Mr. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume.

I just want to point out a couple of things to my good friends and colleagues. This side of the aisle does strongly support prevention programs and particularly programs like Boys and Girls Clubs of America that work well.

As the gentleman from Indiana [Mr. BUYER] stated a few moments ago, we had quite a battle with the other side in 1994 over the crime bill because many of us felt then that the efforts being made at the Federal level to provide for applications for these prevention programs in fighting crime to the Justice Department and the Federal Government on a case-by-case, program-by-program basis, with the Federal Government having decided by name which programs would qualify for the money and which would not, we thought that was a very bad idea. We wanted to abolish and do away with that.

As most of my colleagues know, that has indeed been done since the Republicans have been a majority in Congress. We have abolished that scheme of things in the prevention program area.

Today we go with twin programs dealing with prevention. Still, there are some name programs around, but for the most part the block grants, the \$500 million a year going out to the States, actually to the counties and the cities for their governments to decide how to spend the money to fight crime, some of which, depending on their choices, could be spent on prevention programs, some of which might be spent on police or prisons or no telling what, but it is their choice. And then the juvenile delinquency prevention programs in the bill that passed the House and is now pending in the Senate, and is funded in the Commerce-State-Justice appropriations bill we will have out here a little later today, this is a set of programs also designed for prevention. A very large amount of money goes for prevention in our Federal system, some \$4 billion a year. We do strongly support that.

But this bill today is a special case. Boys and Girls Clubs of America has a Federal charter. We have revised that charter today by providing easier access for these clubs to be able to build the new ones they are going to, taking out a lot of the complications of bureaucracy, applications to the Housing and Urban Development Department and so on. We need to pass the bill.

I also want to remind my colleagues that not only is Denzel Washington and a couple of others named a leading spokesperson for Boys and Girls Clubs of America, he is an alumnus of it. There are many distinguished alumni in the entertainment and sports world. I could not begin to list all of them or we would be here the rest of the afternoon.

Some include George Burns, because the clubs go back to 1906, and the late

George Burns was a Boys and Girls Club member; Bill Cosby, Danny DeVito, George Lucas, Walter Matthau, Leonard Nimoy, Robin Williams, to name a few entertainers. In the sports world, in football, people like Bart Starr, Lynn Swann, Steve Young. In baseball, Jose Canseco, Joe DiMaggio, Alex Fernandez, Tom Glavine, David Justice, Fred McGriff, just to name a few. In basketball, Penny Hardaway, Michael Jordan, Shaquille O'Neal, the list goes on and on. All have been members of Boys and Girls Clubs at one time in their lives and benefited from this fine organization that has a Federal charter.

We are just making it easier today to reach the goal by the year 2000 of establishing 2,500 more of these clubs by streamlining the process. This is a procedural but a very important procedural bill. I urge my colleagues to pass it today.

Ms. JACKSON-LEE of Texas. Madam Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I do want to emphasize to the chairman of the Subcommittee on Crime that this is a bipartisan bill. I appreciate his statement and expression of the Republicans' viewpoint on prevention and intervention. I hope that we can continue to work together.

Might I just simply present for the record that maybe we will reserve judgment on how block grants will work. I understand the intentions of them, but I think we should monitor whether our local jurisdictions or States use more of those funds for prison building than prevention, especially when we all seem to have come together to realize that prevention and intervention is key and should take a high priority in the distribution of these funds.

I thank the gentleman for yielding.

Mr. MCCOLLUM. If I may reclaim my time, I might add that none of our local block grant moneys are used for prisons. They are and can be used for a variety of things beyond prevention. I certainly will monitor those programs with the gentlewoman. I do believe that for the most part local communities know best how to fight crime and should make that decision.

But, nonetheless, this bill is not about that. It came up today in debate for other reasons, and I have not discussed it so I decided to do so at the end because it had been raised. Today we are about passing a very fine bill to improve the process whereby more Boys and Girls Clubs of America can be added under their Federal charter. I urge the adoption of this bill.

Mr. HYDE. Madam Speaker, I rise today to urge my colleagues to support H.R. 1753, legislation that will further Congress' support for the expansion of Boys and Girls Clubs of America—one of the best examples of proven youth crime prevention. This legislation is part

of a continuing initiative to ensure that—with Federal seed money—Boys and Girls Clubs of America can expand to serve an additional one million young people through at least 2,500 clubs by the year 2000.

We are all aware that young people need a safe, positive, environment to help them avoid the dangers of crime and violence, and Boys and Girls Clubs of America provides a safe haven for 2.6 million children. Indeed, Boys and Girls Clubs of America has received widespread recognition as one of America's most efficient charities.

Last year, Congress recognized the value of Boys and Girls Clubs when we authorized \$100 million in seed money over 5 years to establish more clubs in public housing and distressed areas throughout the country. Currently, 90 percent of Boys and Girls Clubs funding comes from the private sector. The seed money provided by Congress is being used for start-up costs and program enhancements.

H.R. 1753 would make several administrative changes to current law—streamlining the application process for clubs to obtain seed money and ensuring that at least 2,500 clubs are established by the year 2000. The bill would also permit a small amount of funds to be used to establish a role-model speakers' program to encourage and motivate young people nationwide.

The Senate passed a companion bill sponsored by Senator HATCH—S. 476—without amendment by voice vote last May. On October 29, the Judiciary Committee ordered H.R. 1753 reported—with one minor amendment—by a voice vote. The amendment clarifies that clubs can be established in rural areas and Indian reservations that have significant populations of high risk youth.

Madam Speaker, this is a terrific bill that enjoys bipartisan support, and I want to compliment my colleague from Wisconsin—TOM BARRETT—for the work he has done on behalf of the Boys and Girls Clubs America. I urge the House to pass this bill so that we can foster one of the best ways of stopping crime and helping children that I know of.

Ms. SANCHEZ. Madam Speaker, I rise to commend my colleagues in the House for passing H.R. 1753, establishing not less than 2,500 Boys and Girls Clubs of America facilities by 2000. I was pleased to support this measure.

I wish to direct particular attention to the work of the Girls and Boys Club of Garden Grove, CA. Since 1956, the Garden Grove clubs have strived to improve our community with programs that meet families' needs.

The Girls and Boys Club of Garden Grove have 9 centers that serve 1,000 children every day, providing what these children need: a safe, enriching alternative to the streets, encouragement to succeed in school, and providing family support.

Each of the nine "Kids Clubs" offer daily programs that are unique in order to address the specific needs of the children and families living in specific neighborhoods. In Orange County, 70 percent of children come home to an empty house after school. Children who are home alone after school are twice as likely as other children to abuse alcohol, tobacco, and drugs.

As long as a child is actively involved in a Girls and Boys Club, they are not just staying off the streets, they are staying out of trouble. They are learning in computer labs and homework assistance programs; they are being fortified in cooking and nutrition programs, they are growing strong and confident in the gym and on the play yards, they are being enriched in craft classes and shops, and they are building character in leadership programs.

The Garden Grove Clubs are currently seeking to establish five new "Kids Clubs" Centers at schools throughout my district. There are over 10,000 children needing a safe place to go after school. As of now, Garden Grove only has the sites to serve about 2,000 kids. I strongly support H.R. 1753 and encourage the National Boys and Girls Club to distribute funds and assistance to the successful Girls and Boys Club in Garden Grove so they can continue to enrich the lives of thousands of other young Americans.

Mr. MCCOLLUM. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1753, as amended.

The question was taken.

Mr. MCCOLLUM. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

50 STATES COMMEMORATIVE COIN PROGRAM ACT

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1228) to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

The Clerk read as follows:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "50 States Commemorative Coin Program Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is appropriate and timely—
(A) to honor the unique Federal republic of 50 States that comprise the United States; and

(B) to promote the diffusion of knowledge among the youth of the United States about the individual States, their history and geography, and the rich diversity of the national heritage;

(2) the circulating coinage of the United States has not been modernized during the 25-year period preceding the date of enactment of this Act;

(3) a circulating commemorative 25-cent coin program could produce earnings of \$110,000,000 from the sale of silver proof coins and sets over the 10-year period of issuance, and would produce indirect earnings of an estimated \$2,600,000,000 to \$5,100,000,000 to the United States Treasury, money that will replace borrowing to fund the national debt to at least that extent; and

(4) it is appropriate to launch a commemorative circulating coin program that encourages young people and their families to collect memorable tokens of all of the States for the face value of the coins.

SEC. 3. ISSUANCE OF REDESIGNED QUARTER DOLLARS OVER 10-YEAR PERIOD COMMEMORATING EACH OF THE 50 STATES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (k) the following new subsection:

“(l) REDESIGN AND ISSUANCE OF QUARTER DOLLAR IN COMMEMORATION OF EACH OF THE 50 STATES.—

“(1) REDESIGN BEGINNING IN 1999.—

“(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2), quarter dollar coins issued during the 10-year period beginning in 1999, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the 50 States.

“(B) TRANSITION PROVISION.—Notwithstanding subparagraph (A), the Secretary may continue to mint and issue quarter dollars in 1999 which bear the design in effect before the redesign required under this subsection and an inscription of the year ‘1998’ as required to ensure a smooth transition into the 10-year program under this subsection.

“(2) SINGLE STATE DESIGNS.—The design on the reverse side of each quarter dollar issued during the 10-year period referred to in paragraph (1) shall be emblematic of 1 of the 50 States.

“(3) ISSUANCE OF COINS COMMEMORATING 5 STATES DURING EACH OF THE 10 YEARS.—

“(A) IN GENERAL.—The designs for the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1) shall be emblematic of 5 States selected in the order in which such States ratified the Constitution of the United States or were admitted into the Union, as the case may be.

“(B) NUMBER OF EACH OF 5 COIN DESIGNS IN EACH YEAR.—Of the quarter dollar coins issued during each year of the 10-year period referred to in paragraph (1), the Secretary of the Treasury shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollars which shall be issued with each of the 5 designs selected for such year.

“(4) SELECTION OF DESIGN.—

“(A) IN GENERAL.—Each of the 50 designs required under this subsection for quarter dollars shall be—

“(i) selected by the Secretary after consultation with—

“(I) the Governor of the State being commemorated, or such other State officials or group as the State may designate for such purpose; and

“(II) the Commission of Fine Arts; and

“(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

“(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

“(C) PARTICIPATION.—The Secretary may include participation by State officials, artists from the States, engravers of the United

States Mint, and members of the general public.

“(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

“(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

“(F) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

“(6) ISSUANCE.—

“(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

“(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

“(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

“(7) APPLICATION IN EVENT OF THE ADMISSION OF ADDITIONAL STATES.—If any additional State is admitted into the Union before the end of the 10-year period referred to in paragraph (1), the Secretary of the Treasury may issue quarter dollar coins, in accordance with this subsection, with a design which is emblematic of such State during any 1 year of such 10-year period, in addition to the quarter dollar coins issued during such year in accordance with paragraph (3)(A).”

SEC. 4. UNITED STATES DOLLAR COINS.

(a) SHORT TITLE.—This section may be cited as the “United States \$1 Coin Act of 1997.”

(b) WEIGHT.—Section 5112(a)(1) of title 31, United States Code, is amended by striking “and weighs 8.1 grams”.

(c) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking “dollar,”; and

(2) by inserting after the fourth sentence the following: “The dollar coin shall be golden in color, have a distinctive edge, have tactile and visual features that make the denomination of the coin readily discernible, be minted and fabricated in the United States, and have similar metallic, anti-counterfeiting properties as United States coinage in circulation on the date of enactment of the United States \$1 Coin Act of 1997.”

(d) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended by striking the fifth and sixth sentences and inserting the following: “The Secretary of the Treasury, in consultation with the Congress, shall select appropriate designs for the obverse and reverse sides of the dollar coin.”

(e) PRODUCTION OF NEW DOLLAR COINS.—

(1) IN GENERAL.—Upon the depletion of the Government's supply (as of the date of enactment of this Act) of \$1 coins bearing the likeness of Susan B. Anthony, the Secretary of

the Treasury shall place into circulation \$1 coins that comply with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section.

(2) AUTHORITY OF SECRETARY TO CONTINUE PRODUCTION.—If the supply of \$1 coins bearing the likeness of Susan B. Anthony is depleted before production has begun of \$1 coins which bear a design which complies with the requirements of subsections (b) and (d)(1) of section 5112 of title 31, United States Code, as amended by this section, the Secretary of the Treasury may continue to mint and issue \$1 coins bearing the likeness of Susan B. Anthony in accordance with that section 5112 (as in effect on the day before the date of enactment of this Act) until such time as production begins.

(3) NUMISMATIC SETS.—The Secretary may include such \$1 coins in any numismatic set produced by the United States Mint before the date on which the \$1 coins authorized by this section are placed in circulation.

(f) MARKETING PROGRAM.—

(1) IN GENERAL.—Before placing into circulation \$1 coins authorized under this section, the Secretary of the Treasury shall adopt a program to promote the use of such coins by commercial enterprises, mass transit authorities, and Federal, State, and local government agencies.

(2) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study on the progress of the marketing program adopted in accordance with paragraph (1).

(3) REPORT.—Not later than March 31, 2001, the Secretary of the Treasury shall submit a report to the Congress on the results of the study conducted pursuant to paragraph (2).

SEC. 5. FIRST FLIGHT COMMEMORATIVE COINS.

(a) COIN SPECIFICATIONS.—

(1) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this section referred to as the “Secretary”) shall mint and issue the following coins:

(A) \$10 GOLD COINS.—Not more than 100,000 \$10 coins, each of which shall—

(i) weigh 16.718 grams;

(ii) have a diameter of 1.06 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) \$1 SILVER COINS.—Not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(C) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins each of which shall—

(i) weigh 11.34 grams;

(ii) have a diameter of 1.205 inches; and

(iii) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this section shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) SOURCES OF BULLION.—The Secretary shall obtain gold and silver for minting coins under this section pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

(d) DESIGN OF COINS.—

(1) DESIGN REQUIREMENTS.—

(A) IN GENERAL.—The design of the coins minted under this section shall be emblematic of the first flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(B) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this section there shall be—

- (i) a designation of the value of the coin;
- (ii) an inscription of the year "2003"; and
- (iii) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(2) SELECTION.—The design for the coins minted under this section shall be—

(A) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

(e) PERIOD FOR ISSUANCE OF COINS.—The Secretary may issue coins minted under this section only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(f) SALE OF COINS.—

(1) SALE PRICE.—The coins issued under this section shall be sold by the Secretary at a price equal to the sum of—

- (A) the face value of the coins;
- (B) the surcharge provided in paragraph (4) with respect to such coins; and
- (C) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(2) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this section at a reasonable discount.

(3) PREPAID ORDERS.—

(A) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this section before the issuance of such coins.

(B) DISCOUNT.—Sale prices with respect to prepaid orders under subparagraph (A) shall be at a reasonable discount.

(4) SURCHARGES.—All sales shall include a surcharge of—

- (A) \$35 per coin for the \$10 coin;
- (B) \$10 per coin for the \$1 coin; and
- (C) \$1 per coin for the half dollar coin.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to evidence any intention to eliminate or to limit the printing or circulation of United States currency in the \$1 denomination.

(g) GENERAL WAIVER OF PROCUREMENT REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(2) EQUAL EMPLOYMENT OPPORTUNITY.—Paragraph (1) does not relieve any person entering into a contract under the authority of this section from complying with any law relating to equal employment opportunity.

(h) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this subsection shall be considered to be numismatic items.

(i) DISTRIBUTION OF SURCHARGES.—

(1) IN GENERAL.—Subject to section 5134 of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this section shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

(A) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(B) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National

Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(2) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under paragraph (1).

(j) FINANCIAL ASSURANCES.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this section will not result in any net cost to the United States Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Wisconsin [Mr. BARRETT] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1228, which includes the language of H.R. 2414, the bill to implement a program to issue quarter dollars over a 10-year period commemorating each of the 50 States. This bill has passed this House in each of the last two Congresses, most recently on September 23, 1997, where it passed on a rollcall vote of 419-6.

S. 1228 passed the Senate by unanimous consent last Sunday night, and it has been amended to include language redesigning the \$1 coin. This redesign would correct the flaws of the Susan B. Anthony coin by specifying that the new coin be gold in color and have a distinctive edge to distinguish it from the quarter.

A difference from the bill that I introduced, H.R. 2637, is that S. 1228 does not specify what image will appear on the \$1 coin. Instead, that decision is left to the Secretary of the Treasury. My bill would have had the Statue of Liberty as the image of the face of the coin, gold, smooth edge, Statue of Liberty on the face of the coin, but we are going to leave that decision up, as I said, to the Secretary of the Treasury.

I would also at this time like to thank Senator ALPHONSE D'AMATO, the chairman of the Senate Banking Committee, who was extremely cooperative throughout all of this and was very helpful in bringing all of this legislation to fruition.

In the other House, the word "clad" was removed from language describing that the new dollar coin should have similar properties as current coinage in circulation. There is nothing in this bill that should be construed as limiting the mint's choice of technology in determining the best, most effective coin to meet the public's need and which is not subject to counterfeiting.

There is some urgency to the dollar coin redesign, in that the mint has said that they need 30 months to test alloys and prepare production for the new coin, and there is now only a 30-month

supply of the Anthony dollars remaining in storage at current rates of usage and issuance. This legislation leaves the paper \$1 note unaffected, to continue to be printed and issued as public demand determines.

The legislative package also includes a commemorative coin that authorizes coins to be issued commemorating the centennial of the first flight by the Wright brothers which will be celebrated in 2003. This commemoration has already been approved by the Citizens Commemorative Coin Advisory Committee as required under our coin reform legislation passed last year. It also meets other strictures of those reforms, including mintage limits and retention of surcharge payments until all of the Government's costs are recovered from the program.

This bill will reinvigorate our circulating coinage in a responsible, affordable way, serving the best interests of the general public, the national economy and the coin collecting community as well.

□ 1300

It will be educational and fun, will promote pride among the States, and it will be a winner financially for the Government.

The Mint will earn an estimated \$11 million annually, \$110 million over the life of the program, from the sale of silver proof sets of the quarter, and a study by the accounting firm of Coopers & Lybrand showed that, as with the Bicentennial quarter, the 50-State quarter will be very popular with the public.

The study said that fully 75 percent of the 2,000 people surveyed would collect some or all of the coins. Coopers & Lybrand estimated that between 2.6 billion and 5.1 billion dollars' worth of quarters would be taken out of circulation by collectors.

Given that the survey excluded people under the age of 18, the entire universe of schoolchildren who might be expected to collect the coins, those figures seem very conservative. Estimates by the General Accounting Office, the Congressional Budget Office, and the Mint of the amount that would be collected are generally consistent with the estimates in the Coopers & Lybrand study.

Treasury Secretary Rubin and I are in agreement that the new State design should be dignified. To that end, the legislation authorizing the new quarters stipulates that the Secretary shall not select any frivolous or inappropriate design.

The bill also specifies that the Governors of the individual States or such other State officials or group as the State may designate will consult with the Secretary of the Treasury, who will select the final designs.

I urge the immediate adoption of S. 1228.

Madam Speaker, I reserve the balance of my time.

Mr. BARRETT of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1228 and urge all of my colleagues to support this bill which authorizes three worthy coin programs.

First we will commemorate Kitty Hawk in 2002. All Americans recognize the importance of flight and the importance of the Wright brothers' breakthrough at Kitty Hawk, NC. This coin will be a fitting tribute and is one of the first coins to abide by our new rules governing commemoratives.

I am also pleased that this bill incorporates a redesign of the Susan B. Anthony dollar coin and the circulating commemorative quarter series. As a father of three young kids, this last one, the 50-State quarter, is a personal favorite of mine, and I think that this is going to be a tremendous hit throughout this country. I think we are going to see school kids by the millions who are going to know the States in this country better than they ever have before, and they are going to do so for a quarter apiece.

So it is a tremendous program and one of the finest programs, I think, teaching programs, I have seen in awhile to really teach kids about our country.

The gentleman from Delaware [Mr. CASTLE] along with the gentleman from New York [Mr. FLAKE] have to be commended because they have brought sensible coin reform during the last 3 years. Mr. CASTLE, in particular, has worked hard to bring value and enjoyment to coin collecting, and I am proud to say that these last two measures are his ideas.

I urge the House to support this bill, and I wish to personally congratulate the gentleman from Delaware [Mr. CASTLE] on his personal accomplishments in this bill.

Looking around, I see no other speakers. So, Madam Speaker, I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I also will yield back in a moment, but I would just like to say that we of course already miss the gentleman from New York [Mr. FLAKE] who is not with us today. He has always been a stalwart over there in support of what we have done, with Sean Peterson, his staff, and others who have helped with him.

But the gentleman from Wisconsin [Mr. BARRETT] is a very worthy substitute, and there is now an opening for the ranking member of this particular subcommittee. I hope the gentleman from Wisconsin [Mr. BARRETT], who is one of our most distinguished members, will consider filling that, and we appreciate his kind words today.

We do believe this is good legislation, we do believe the interests are valid in terms of educating children as well as helping with our Treasury and in making American coinage more interesting to all citizens of the United States of America, so we would encourage passage of the legislation.

Ms. NORTON. Madam Speaker, I support the 50-State Commemorative Coin Program Act and want to call attention to Chairman CASTLE's promise to include the District of Columbia and the four insular areas in this privilege in forthcoming legislation. The Chair has agreed to cosponsor with the other delegates and me a bill that would allow us the same privilege as the 50 States, namely, the ability to choose a design for the reverse side of the quarter coin in order to commemorate each jurisdiction.

The Act provides that all quarter coins issued for the 10 years beginning in 1999 would carry designs from five States each year. The side of the 25-cent piece with George Washington's image would remain unchanged. The quarter would have to carry the existing slogans. Approval of each State's design by the Federal Government is required. Earnings from silver collectors of \$110 million and indirect earnings of \$2.6-\$5 billion are estimated.

I supported this bill on the House floor in September when it was agreed that the District of Columbia and the four insular areas would be included in a subsequent bill. We asked to be included in the bill while it was on the floor at that time. However, the Chairman wanted to take the matter back to the Treasury Department and through the rest of the process in order to avoid objections to the bill that might inhibit fast passage of this bill in the Senate. We are writing our bill now and intend to introduce it when Congress reconvenes early next year.

Although the residents of the District and the insular areas are American citizens, there are some differences between us and the States. However, qualification to be part of a program to redesign quarters to commemorate home jurisdictions is not one of them.

As to the District, the Congress has no trouble including us when it comes to collecting Federal income taxes. The four territories or insular areas do not pay Federal income taxes, but they have earned the right to this privilege in many ways, among them, because of the larger numbers of their citizens who have fought or died for their country.

I look forward to supporting a bill adding the District and the other four insular areas when we return next year.

Mr. KOLBE. Madam Speaker, I rise today in reluctant opposition to S. 1228, a bill that does a number of things, including calling for the redesign of the Susan B. Anthony dollar coin.

While I enthusiastically support the portion of this legislation providing for the minting of 50 different circulating commemorative quarters, I have serious concerns about the portion dealing with the redesign of the Susan B. Anthony dollar coin.

For over a decade, I have been the principal sponsor of legislation calling for the redesign of the Anthony dollar and for the phaseout of the \$1 Federal Reserve note. While S. 1228

addresses the issue of the look and feel of our Nation's \$1 coin, it neglects the important issue of what to do with the \$1 note.

S. 1228 recognizes one of the great myths about the Anthony dollar—that size was not the problem with the coin. It maintains the Anthony's dimensions, but changes the color to golden and calls for a distinctive edge—exactly what I've been proposing for the last decade. With the changes, the newly-designed dollar will be easier to distinguish from a quarter than a quarter from the current nickel.

Unfortunately, S. 1228 will not remove the \$1 bill from circulation.

Ever since Congressman Mo Udall and I introduced the first dollar coin legislation in 1986, I have argued that the Anthony dollar failed for two reasons: it looked and felt like a quarter and the \$1 bill was not taken out of circulation. So, this legislation takes a first and very important step in the effort to introduce a circulating \$1 coin. However, I fear that the new dollar coin will be doomed to the fate of the Anthony dollar since the \$1 note remains in circulation and no provision for its phase-out is included in the legislation.

I've been delivering this unpopular message for a decade, and it has been my experience that the general public understands the necessity of a phaseout when given the facts.

Madam Speaker, I have been raked over the coals by those who opposed the phaseout of the \$1 note. My efforts have been attacked through sound bites that instill fear and tell the public that elimination of the \$1 note is taking about the choice. Well, when those delivering that message introduce legislation to create paper pennies, nickels, dimes, and quarters, and \$1, \$2, \$5, \$10, \$20, \$50, and \$100 coins, I will be convinced they truly believe in giving choice to the American public.

Sadly, the smear campaigns that have been going on for over a decade leave Congress in a situation where we can take only incremental steps to implement good currency policy. Sadly, this and prior administrations have forwarded no comprehensive policy objectives related to modernizing our currency.

I still read and hear about the stunning success of the Canadian "loon" dollar coin which was introduced in 1987. Make no mistake. The coin was extremely unpopular in concept before its introduction. And the coin did not widely circulate until late in 1989—when the \$1 bill was removed from circulation. The retail industry was very reluctant to use the \$1 coin, and it did not circulate widely for that reason.

I traveled to Ottawa several years ago to meet with officials of the Royal Canadian Mint, the Canadian banking industry, the Canadian Parliament, and Canadian retail executives. While they were very proud of the accomplishment, they did acknowledge one significant error in their planning. The said that the prolonged cocirculation of both the "loon" coin and the \$1 bill made the transition more difficult and unpopular than it should have been.

That is my fear about S. 1228. Congress cannot idly sit back and expect the mere introduction of a redesigned dollar coin will develop its own momentum. And no amount of marketing by the Mint will make the coin succeed. As a matter of fact, heavy simultaneous circulation of both the redesigned dollar coin and \$1 bills will become a major nuisance to

retailer, mass transit, and the visually impaired. I expect Congress will be hearing from them before long.

Let me finally add that unlike my legislation, H.R. 1174, there is little budgetary savings associated with legislation that only has redesignated the Anthony dollar without phasing out the \$1 note. While passage of H.R. 1174 would ultimately result in about \$12 billion in savings to taxpayers over 30 years, I understand that the language in S. 1228 will result in minimal budgetary savings.

I commend Chairman CASTLE for his continuing attention to coinage matters—especially the circulating commemorative quarter legislation. And frankly, I am relieved to know that the Mint will be saved from the embarrassment of having to produce more Anthony dollars. However, I remain convinced that the absence of a plan to address the necessary action of removing the \$1 bill from circulation will doom us to the same embarrassment.

Mr. CASTLE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the Senate bill, S. 1228.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

Mr. SAXTON. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

The Clerk read as follows:

Senate amendments:

Page 9, line 16, strike out "Secretary" and insert "Secretaries".

Page 9, line 21, strike out "Secretary" and insert "Secretaries".

Page 10, line 3, strike out [Secretary] and insert Secretaries

Page 11, after line 10 insert:

"(b) SOCIO-ECONOMIC STUDY.—The Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study of the socio-economic benefits of the Atlantic striped bass resource. The Secretaries shall issue a report to the Congress concerning the findings of this study no later than September 30, 1998.

Page 11, line 11, strike out [(b)] and insert:

(c)

Page 12, strike out all after line 23, over to and including line 11 on page 13 and insert:

"(a) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines—

"(1) are consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);

"(2) are compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State;

"(3) ensure the effectiveness of State regulations on fishing for Atlantic striped bass within the coastal waters of a coastal State; and

"(4) are sufficient to assure the long-term conservation of Atlantic striped bass populations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am very pleased that we are on the verge of enacting H.R. 1658, the Striped Bass Conservation Act of 1997. The House passed two prior versions of this bill in the last Congress, but, regrettably, they were not acted upon by the other body. Today, however, we can complete the legislative process by voting to agree to the Senate amendments to this important legislation.

The first sentence of the Striped Bass Conservation Act of 1984 states that the Atlantic striped bass are of historic importance and of great benefit to the Nation. I would like to assure all of my colleagues of the truth of this statement. These fish are renowned for their fighting ability and have been an important part of the lives of generations of east coast fishermen from all parts of the Northeast.

When this country was settled, striped bass were one of the most abundant natural resources that staggered early explorers. Captain John Smith, exploring the Chesapeake Bay in 1608, wrote that striped bass were so abundant that he thought he could walk across the bay on the backs of stripers without wetting his feet.

Unfortunately, the striped bass population has not remained all that bountiful. In the 1970's, heavy fishing pressure on the species coincided with water pollution and other environmental changes, and the population plummeted. The thriving industry that striped bass had supported was nearly wiped out, and it seemed that this flagship species might disappear completely.

Congress responded to the crisis by enacting the Striped Bass Conservation Act of 1984. The act put teeth in the existing interstate management plan for striped bass. It created the Federal enforcement mechanism for the plan, authorized studies of the causes of the decline, and provided for regular population assessments. This law assured that the States would adopt the tough regulations that were required to bring the species back.

Madam Speaker, the Stripped Bass Act has turned out to be a huge success. After a period of persistently low populations in the 1980's, the species has rebounded to its highest levels in

the last 30 years. The sacrifices that fishermen coast-wide have made to bring the stripers back have paid off, and my constituents in New Jersey as well as all striped fishermen from North Carolina to Maine can once again count this fish among the abundant natural resources with which our region is blessed.

This bill reauthorizes the Striped Bass Act for the next 3 years. It authorizes continued funding for the population assessments and adds studies of stripers to related species. Although stripers are recovered, they are still at risk from the numerous natural and man-made factors. This bill will ensure that we remain vigilant so that we can protect the gains that we have made in recent years.

The House passed this bill on July 8; the Senate has now passed the legislation with several amendments. The amendments make small changes related to the Secretary of Interior's role in enforcement, authorize a socio-economic study on the benefits of Atlantic striped bass resource, and clarify provisions regarding striped bass regulation in Federal waters. These changes are not only acceptable, they actually enhance the bill. In fact, I wish I had thought of them myself.

Reauthorizing the Striped Bass Act has been a long process. Fortunately, as William Woods of the Massachusetts Bay Colony said in 1635, men are soon wearied with other fish, yet they never are with bass.

I strongly urge all of my colleagues to vote yes on H.R. 1658 with the improvements adopted by the other body.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

First of all, Madam Speaker, I would like to commend the gentleman from New Jersey [Mr. SAXTON] for his diligent work in this area, and I rise in strong support of this legislation.

The remarkable recovery of the striped bass fishery a little more than a decade after the passage of the original Striped Bass Conservation Act is truly a success story, demonstrating that conservation can work, and, again, I think we all are grateful to Mr. SAXTON for his deep interest and diligence in pursuing this.

Madam Speaker, I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for his kind words. Madam Speaker, at this time I have, as far as I know, no additional speakers, and so with just one thought I am prepared to yield back the balance of my time.

I was made aware earlier today that there is a regulatory problem off the shores of Massachusetts that relates to Nantucket and the State waters there

and the Federal waters through which fishermen must pass on their way back to the mainland.

I understand that there is a regulatory issue, and I have talked with the gentleman from Massachusetts [Mr. KENNEDY] about this issue, and we both have agreed that we will try our best in the first couple of months of 1998 to deal with the National Marine Fisheries Service relative to these issues.

Mr. PALLONE. Madam Speaker, tonight I rise in strong support of H.R. 1658, the Atlantic Striped Bass Conservation Act Amendments. The remarkable recovery of the striped bass fishery, a little more than a decade after the passage of the original Striped Bass Conservation Act, is a success story, demonstrating that fish conservation can work.

For the last three decades, Atlantic striped bass stocks have been declining due to overfishing, pollution, habitat destruction and other factors. Recently, however, the Atlantic striped bass stocks have grown and are slowly returning to their previous abundance. Many Atlantic Coast states have recognized the significance of this growth and understand the pressure that commercial fishing interests may have on breeding stocks. In response, states such as New Jersey, Connecticut, Pennsylvania and Georgia, and several others, have passed gamefish laws or have prohibited the Atlantic striped bass commercial angling.

The management program established under this Act was, at the time of its inception in 1984, unique. It relies on the states to develop regulations for their waters that are consistent with the Atlantic States Marine Fisheries Commission's management plan for striped bass. If the state fails in its efforts, a federal moratorium is imposed. This plan was so successful, that last year the Commission declared the striped bass to be fully recovered. Today, the fish are being found in record numbers up and down the coast.

Mr. Speaker, as I previously stated, striped bass populations were placed in jeopardy due to severe over-harvesting. Support of this legislation would allow us to better understand striped bass stock and management plans that not only benefit the striped bass stock, but the striped bass fishing community as well. Furthermore, these amendments increase public participation in the preparation of striped bass management plans. This fishery is one of the most important fisheries for marine recreational anglers. In 1995, over a million anglers made almost seven million trips and nearly spent 160 million dollars in pursuit of this fish. We must support this legislation and ensure that over a decade striped bass conservation and restoration is not erased.

Mr. SAXTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to H.R. 1658.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1658.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS

Mr. GILCREST. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments numbered 1 through 60, 62 and 63, and disagree to the Senate amendment numbered 61 to the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364 and 18-R before the Indian Claims Commission.

The Clerk read as follows:

Senate amendments:

Page 2, before line 1 insert:

TITLE I—DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN

Page 2, line 1, strike out "SECTION 1" and insert "SEC. 101".

Page 2, line 2, strike out "Act" and insert "title".

Page 2, line 3, strike out "2" and insert "102".

Page 2, line 9, strike out "Tribe" and insert "Band".

Page 3, line 9, strike out "Act" and insert "title".

Page 3, line 14, strike out "3" and insert "103".

Page 3, line 15, strike out "Act" and insert "title".

Page 4, line 13, strike out "6" and insert "106".

Page 4, line 16, strike out "4" and insert "104".

Page 4, line 23, strike out "10" and insert "110".

Page 6, line 13, strike out "10" and insert "110".

Page 7, line 23, strike out "Act" and insert "title".

Page 7, line 24, strike out "10" and insert "110".

Page 8, line 3, strike out "5" and insert "105".

Page 8, line 9, strike out "4" and insert "104".

Page 8, line 13, strike out "7" and insert "107".

Page 8, line 15, strike out "4" and insert "104".

Page 8, line 20, strike out "7" and insert "107".

Page 8, line 21, strike out "8" and insert "108".

Page 8, line 23, strike out "4" and insert "104".

Page 9, line 4, strike out "8" and insert "108".

Page 9, line 5, strike out "9" and insert "109".

Page 9, line 7, strike out "4" and insert "104".

Page 9, line 12, strike out "9" and insert "109".

Page 9, line 14, strike out "Act" and insert "title".

Page 10, line 4, strike out "3(b)" and insert "103(b)".

Page 10, line 8, strike out "3(b)" and insert "103(b)".

Page 10, line 21, strike out "3(b)" and insert "103(b)".

Page 11, line 2, strike out "3(b)" and insert "103(b)".

Page 11, line 8, strike out "3(b)" and insert "103(b)".

Page 11, line 11, strike out "Act" and insert "title".

Page 11, line 13, strike out "5" and insert "105".

Page 11, line 17, strike out "3" and insert "103".

Page 11, line 17, strike out "4" and insert "104".

Page 11, line 23, strike out "Act" and insert "title".

Page 11, line 23, strike out "4" and insert "104".

Page 12, line 1, strike out "6" and insert "106".

Page 12, line 16, strike out "4" and insert "104".

Page 13, line 7, strike out "10" and insert "110".

Page 15, line 5, strike out "10" and insert "110".

Page 15, line 10, strike out "4" and insert "104".

Page 15, line 14, strike out "Act" and insert "title".

Page 15, line 17, strike out "Act" and insert "title".

Page 15, line 23, strike out "Act" and insert "title".

Page 16, line 3, strike out "7" and insert "107".

Page 16, line 10, strike out "Act" and insert "title".

Page 17, line 25, strike out "Act" and insert "title".

Page 22, line 12, strike out "8" and insert "108".

Page 25, line 14, strike out "4" and insert "104".

Page 26, line 3, strike out "9" and insert "109".

Page 26, line 10, strike out "4" and insert "104".

Page 30, line 19, strike out "10" and insert "110".

Page 31, line 21, strike out "4(a)(1)" and insert "104(a)(1)".

Page 31, line 23, strike out "4(a)(1)" and insert "104(a)(1)".

Page 32, line 7, strike out "6" and insert "106".

Page 32, line 15, strike out "Act" and insert "title".

Page 33, line 15, strike out "6" and insert "106".

Page 33, line 19, strike out "6" and insert "106".

Page 34, line 14, strike out "6" and insert "106".

Page 34, strike out all after line 14 down to and including "eligibility" in line 17 and insert:

SEC. 111. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

(A) APPLICABILITY OF PUBLIC LAW 93-134.—All funds distributed under this Act or any plan approved in accordance with this Act, including interest and investment income that accrues on those funds before or while

those funds are held in trust, shall be subject to section 7 of Public Law 93-134 (87 Stat. 468).

(b) TREATMENT OF FUNDS WITH RESPECT TO CERTAIN FEDERAL ASSISTANCE.—The eligibility

Page 35, line 4, strike out "12" and insert "112".

Page 35, after line 9 insert:

TITLE II—LIMITATION ON HEALTH CARE CONTRACTS AND COMPACTS FOR THE KETCHIKAN GATEWAY BOROUGH

SEC. 201. FINDINGS.

Congress finds that—

(1) the execution of more than 1 contract or compact between an Alaska native village or regional or village corporation in the Ketchikan Gateway Borough and the Secretary to provide for health care services in an area with a small population leads to duplicative and wasteful administrative costs; and

(2) incurring the wasteful costs referred to in paragraph (1) leads to decrease in the quality of health care that is provided to Alaska Natives in an affected area.

SEC. 202. DEFINITIONS.

In this title:

(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE CORPORATION.—The term "Alaska native village or regional or village corporation" means an Alaska native village or regional or village corporation defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)

(3) CONTRACT; COMPACT.—The terms "contract" and "compact" mean a self-determination contract and a self-governance compact as these terms are defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 203. LIMITATION.

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that, in considering a renewal of a contract or compact, or signing of a new contract or compact for the provision of health care services in the Ketchikan Gateway Borough, there will be only one contract or compact in effect.

(b) CONSIDERATION.—In any case in which the Secretary, acting through the Director of the Indian Health Service, is required to select from more than 1 application for a contract or compact described in subsection (a), in awarding the contract or compact, the Secretary shall take into consideration—

(1) the ability and experience of the applicant;

(2) the potential for the applicant to acquire and develop the necessary ability; and

(3) the potential for growth in the health care needs of the covered borough.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1604 by my colleague on the Committee on Resources,

the gentleman from Michigan [Mr. KILDEE], would provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to the four Indian Claims Commission dockets. These funds were appropriated by Congress years ago and have been held by the Department of the Interior for the beneficiaries.

The funds would be divided according to a formula included in H.R. 1604 which the gentleman from Michigan [Mr. KILDEE] helped work out over the course of many years, and I am very grateful to him for doing that. I am sure the native Americans are very grateful to him for doing that. The funds would be divided according to a formula included in H.R. 1604 between individuals on a judgment distribution roll of descendants, to be created by the Secretary of Interior, and five Michigan tribes.

Madam Speaker, the House passed H.R. 1604 on November 4. Since then, the other body has amended our bill and has sent it back to us for another vote. The amendments will solve a problem relative to providing certain Federal services to Alaskan Natives. The added language would limit the number of contracts and compacts for providing certain Indian services to not more than one native entity in any bureau where there are less than 50,000 people.

The intent is to ensure that there is only one Alaskan Native provider in those areas of Alaska which do not require more than one provider. It would save taxpayers money, and it makes sense from an administrative point of view.

One amendment to the bill is unacceptable and will be stricken from the bill and returned to the other body for concurrence.

I support H.R. 1604, I highly recommend its passage, and I also thank the gentleman from Michigan [Mr. KILDEE] for his diligent work over the years on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the kind words of the gentleman from Maryland [Mr. GILCHREST].

Madam Speaker, today the U.S. Congress will take a historic step in bringing about long awaited justice for the Chippewa and Ottawa Nations of Michigan. The legislation before us now will provide a monetary compensation for 12 million acres of land ceded by these tribes over 160 years ago.

My father taught me long ago about the tremendous injustice done to the Indian tribes in Michigan. For so many years, Madam Speaker, our Government ignored and broke its many treaties with the native Americans. It is part of our history that we can never

erase, but it is important that we learn from it.

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I have learned that we must respect the sovereignty of the Indian Nations and that we must treat them with respect on a government-to-government relationship. The legislation we are about to pass respects that sovereignty and upholds our treaty obligations.

I want to thank the gentleman from Alaska [Mr. YOUNG], the gentleman from California [Mr. MILLER], the gentleman from Maryland [Mr. GILCHREST] and the gentleman from New Jersey [Mr. SAXTON] for helping getting this bill passed. I also want to thank Senators INOUE, CAMPBELL, ABRAHAM, and LEVIN for all their work as well. This is a great day for the U.S. Congress and the great Chippewa and Ottawa Indian Nations of Michigan. I urge my colleagues to support this bill.

Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me time. I thank the gentleman for his work on this legislation.

Madam Speaker, I rise today in strong support of H.R. 1604, a bill to distribute judgment funds to the Ottawa and Chippewa Indians. Over 25 years ago, the Federal Government agreed to pay \$10 million as settlement for underpaying American Indians for the land which makes up most of northern Michigan, the majority of which is in my district.

After years of disagreement on how the money is to be distributed, a negotiated compromise has been reached. H.R. 1604 codifies this agreement and distributes the long-overdue money. The money that will be distributed by this bill has already been appropriated by Congress way back in 1971, so this is not a new appropriation. Instead, the bill merely releases money that has remained in an account with the Bureau of Indian Affairs for the past 25 years.

Madam Speaker, the passage of H.R. 1604 will close this chapter of what is a long record of mistreatment of American Indians by the Federal Government. This justice is long overdue, and this bill is long overdue. I urge my colleagues to pass this important legislation.

Madam Speaker, let me thank the leadership on both sides for working so closely with us, and the gentleman from Michigan [Mr. KILDEE] for his leadership in bringing this bill to the floor. It has been to the Senate, and we have reached compromise. Let us finally do this and get this over with after 25 years.

Mr. MILLER of California. Madam Speaker, this is the second time that the House has been asked to consider this bill. This time we are being asked to pass this bill because the Senate has made three amendments to what was already a good bill.

The underlying bill, which was sponsored by Congressman KILDEE, authorizes the distribution of judgment funds awarded to several Ottawa and Chippewa tribes in Michigan. This bill was necessary as congressional action is required and these tribes have been awaiting this award ever since 1971. There was some question of the fairness of the distribution scheme between the recognized and nonrecognized tribes but that situation has been amicably resolved and made part of the underlying legislation.

The Senate, however, has made three additional changes. The first changes a reference in the bill from the word "tribe" to "band". The second adds a reference to 25 U.S.C. 1407 which states that Indian judgment fund awards are not taxable. We are deleting this amendment as it falls within the jurisdiction of the Ways and Means Committee.

But it is the third amendment that is troubling. The third amendment will prevent the Indian Health Service from entering into a separate Indian Self-Determination Act contract—a 638 contract—with the Ketchikan Indian Corp. at the same time that it also has a regional 638 contract with the Southeast Alaska Regional Health Corporation, a consortium of Southeast tribes that KIC once belonged to.

The purpose of this amendment is to prevent the waste of limited IHS funds through duplicative services at a nearby clinic run by KIC. While the IHS should not waste its limited resources, I am concerned that this provision further undercuts the Indian Self-Determination Act.

Unfortunately the rights of Alaska Native villages have already been affected by the fiscal year 1998 Interior appropriations bill. Specifically, section 326 of that bill prohibited the IHS from entering into a separate 638 contract with an individual Alaska Native village when that village is located in a region already served by a regional 638 contractor.

But this provision takes away the specific right of a Native entity under the Indian Self-Determination Act, namely, the right of KIC to decide for itself whether it wants to provide health care services to its members on its own pursuant to a 638 contract. Some choose to continue to receive health care services directly from IHS, others choose to execute their own 638 contracts, and yet others still join with neighboring tribes and villages into a regional consortium that has its own 638 contract with the IHS.

I believe that there are already safeguards in the Indian Self-Determination Act that protect against wasteful or duplicative 638 contracts. The act clearly gives the Secretary of Health and Human Services the right to decline a contract request when that is the case.

In my view, Congress should not excise or restrict parts of the Indian Self-Determination Act simply because some Members do not agree with the administration on one contract. The act, which may be the most important piece of Indian legislation this Congress has passed in a generation, is simply too important to be changed in this manner. If there is a problem with the act, then let's hold hearings and respect the rights of the affected parties.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and concur in Senate amendments 1 through 60, 62 and 63, and disagree to Senate amendment 61 to the bill, H.R. 1604.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and Senate amendments 1 through 60, 62 and 63 were concurred in, and Senate amendment 61 was disagreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1604.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NATIONAL PEACE GARDEN MEMORIAL

Mr. JONES. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 731) to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes, as amended.

The Clerk read as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 10(b) of Public Law 99-652 and section 1(a) of Public Law 103-321, the legislative authority for the National Peace Garden shall extend through June 30, 2002.

SEC. 2. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT NATIONAL SEASHORE.

Section 5 of the Act entitled "An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes", approved March 10, 1966 (Public Law 89-366; 16 U.S.C. 459g-4), is amended by inserting "(a)" after "SEC. 5.", and by adding at the end the following new subsection:

"(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the "seashore"): *Provided*, That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

"(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackleford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—

"(A) provide for cost-effective management of the horses while ensuring that natural re-

sources within the seashore are not adversely impacted; and

"(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

"(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—

"(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

"(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or

"(C) except in the case of an emergency, or to protect public health and safety.

"(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

"(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.

"(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. JONES] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 731 and urge its adoption. The bill grants a 5-year extension to the legislative authority for the construction of the National Peace Garden Memorial on Federal lands within the District of Columbia.

Madam Speaker, section 10(b) of the Commemorative Works Act of 1986 provides that the legislative authority to construct a memorial expires 7 years after the date the memorial was authorized by Congress. In 1994, Congress extended the legislative authority for the National Peace Garden Memorial through June 30, 1997. S. 731 would extend the legislative authority for the National Peace Garden Memorial until June 30, 2002.

Madam Speaker, S. 731 has been amended to incorporate H.R. 765, a bill I introduced to protect the Shackleford Banks Wild Horses at Cape Lookout National Seashore in North Carolina. The House passed H.R. 765 on July 22, 1997, by a vote of 416 to 6.

Since that time, the Senate has amended the House-passed bill to clarify several management issues of concern to the National Park Service. The amendment to S. 731 offered today reflects the amendments agreed to by the majority and minority members of the Senate Committee on Energy and Natural Resources.

Madam Speaker, S. 713 will assure that a healthy survival herd of wild roaming horses will remain on the Cape Lookout National Seashore, and their 400-year history will continue as a major legacy of the culture and heritage of the Outer Banks of North Carolina.

Madam Speaker, I strongly urge my colleagues to support S. 731 as amended.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 731 as passed by the Senate is an uncontroversial measure to extend the authority of the National Peace Garden Foundation to establish a commemorative work in honor of our Nation's commitment to peace. The majority has sent S. 731 to the desk with an amendment that includes the modified text of another bill, H.R. 765, that the House passed in July.

The language of H.R. 765, which deals with the wild horses at Cape Lookout National Seashore, has been worked out in the Senate, and that bill is currently pending before the full Senate.

Madam Speaker, I urge the adoption of this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the Senate bill, S. 731, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 731, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDING COMMUNICATIONS ACT OF 1934

Mr. BLILEY. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1354) to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

The Clerk read as follows:

S. 1354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

Section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) is amended—

(1) by striking "(2) or (3)" in paragraph (1) and inserting "(2), (3), or (6)";

(2) by striking "interstate services," in paragraph (3) and inserting "interstate services or an area served by a common carrier to which paragraph (6) applies,";

(3) by inserting "(or the Commission in the case of a common carrier designated under paragraph (6))" in paragraph (4) after "State commission" each place such term appears;

(4) by inserting "(or the Commission under paragraph (6))" in paragraph (5) after "State commission"; and

(5) by inserting after paragraph (5) the following:

"(6) COMMON CARRIERS NOT SUBJECT TO STATE COMMISSION JURISDICTION.—In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKKEY] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1354.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1354. S. 1354 was brought to the Committee on Commerce's attention by the gentleman from Arizona [Mr. HAYWORTH]. He informed the committee that a technical amendment to the Communications Act was necessary to avoid local telephone rate increases in certain parts of the Nation. The committee has reviewed the bill and

agrees that action by the House is necessary at this time.

Under the current universal service provisions of the Communications Act, only common carriers designated by the States are eligible to receive Federal universal service support. Unfortunately, this policy ignores the fact that some common carriers providing service today are not subject to the jurisdiction of a State commission; most notably, some carriers owned or controlled by Native Americans. Thus, many of these common carriers may lose Federal support on January 1, 1998, unless Congress takes action.

S. 1354 corrects this problem by permitting a common carrier that is not subject to State authority to be designated by the Federal Communications Commission as eligible to receive Federal universal service support. S. 1354 will apply to only a limited number of carriers, but to these carriers' customers, its impacts will be significant.

It should be noted that nothing in this bill is intended to restrict or expand the existing jurisdiction of State commissions over any common carrier. Such determinations are outside the scope of this legislation.

I thank the gentleman from Arizona [Mr. HAYWORTH] for his thoughtful action on this matter and for working with the gentleman from South Dakota [Mr. THUNE]. I also thank the Members of the other body for taking action on this important matter. I ask that all Members support passage of S. 1354.

Madam Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Madam Speaker, I would like to thank my colleague from Virginia, the distinguished chairman of the Committee on Commerce [Mr. BLILEY] for his consideration and cooperation in this regard.

Madam Speaker, I rise in strong support of S. 1354, and I would be remiss if I did not also take this time to thank the ranking minority member of the Committee on Commerce, the gentleman from Michigan [Mr. DINGELL], for his help as well.

Madam Speaker, it is safe to say this is a good bipartisan bill. This legislation was sponsored in the other body by my colleague from Arizona Senator MCCAIN, and I would like to publicly thank our senior Senator for his hard work on this issue.

Madam Speaker, as the chairman mentioned, this bill corrects a technical glitch in section 214(e) of the Communications Act of 1934 that has created a serious problem for certain telecom carriers, particularly some Indian tribes. The current language in section 214(e) does not account for the fact that State commissions in some States have no jurisdiction over certain carriers. Some, not all, but some States have no jurisdiction over tribal-

owned carriers, which may or may not be regulated by a tribal authority that is not a State commission per se. This is especially true in my home State of Arizona and also in South Dakota.

The failure to account for these situations means that such carriers may have no way of being designated as a carrier eligible to receive Federal universal service support which provides intercarrier support for the provision of telecommunications services in rural and high-cost areas throughout the United States.

Section 214 as currently written does not consider whether a tribal-owned carrier is a traditional incumbent local exchange carrier that provides the core universal services, whether they have previously received Federal universal support or whether they will be deemed a carrier of last resort to serve every customer in their service area.

In my home State of Arizona, there are four tribal authority telephone cooperatives that are not subject to State jurisdiction. Passing this bill would ensure that these entities can continue to serve their customers as eligible carriers.

Without this bill, Madam Speaker, customers of these carriers could face enormous rate increases. For instance, if Gila River in my district in Arizona lost its Federal universal service support, its customers could be hit with a \$32 monthly charge per subscriber starting this January, so it is critical that we pass this bill now to protect these consumers.

Again, I would like to thank my esteemed colleague, the gentleman from Virginia [Mr. BLILEY] for agreeing to bring this bill forward, and I would urge a "yes" vote from all of our colleagues.

Mr. BLILEY. Madam Speaker, I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this legislation represents a finetuning of provisions of the Telecommunications Act of 1996 that addresses the universal service system. The bill before us today allows a common carrier that is not subject to the jurisdiction of a State commission, including those telephone companies owned by certain federally-recognized Indian tribes, to be designated by the Federal Communications Commission as an eligible telecommunications carrier for universal service funding purposes.

The Telecommunications Act of 1996 stipulated that State commissions are authorized to designate which telephone companies are so-called eligible telecommunications carriers for purposes of universal service funding. The provisions of the Telecommunications Act, however, did not account for the fact that in a few instances, States have no jurisdiction over telephone

companies owned by certain federally-recognized Indian tribes. Because States have no jurisdiction in this area, such companies would have no way of becoming designated as eligible telecommunications carriers and receive universal service support.

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This bill is a technical correction to the statute that is entirely consistent with the Telecommunications Act of 1996. The bill ensures that telephone companies currently receiving support for universal service can continue to do so whether the designation of eligible telecommunications carrier is made by the State commission or, in the case of a company not subject to State jurisdiction, by the Federal Communications Commission.

I want to congratulate the gentleman from Virginia [Mr. BLILEY], for his work on this issue; the gentleman from South Dakota [Mr. THUNE] for his work on this issue; and the gentleman from Arizona [Mr. HAYWORTH] for his work in ensuring that we do have an equitable and universal application of a plan constructed in the 1930's which has served our Nation well.

The universal service system of telecommunications was originated as good economic policy: Let us bring the whole country together, not just the 35 or 40 percent that had telephones in the middle of the 1930's, but let us have every home in America with access to it.

It turned out to be not just good economic policy, but it turned out to be good social policy as well because it helped to knit our country together, that families could call each other wherever they were in the country, business could be conducted anywhere in the country. This amendment seeks to clarify an omission so that these particular Indian tribes are not excluded, and I want to congratulate the Members that have brought the issue to our attention.

Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield myself such time as I may consume.

Mr. THUNE. Madam Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from South Dakota.

Mr. THUNE. Madam Speaker, I want to credit the distinguished chairman for his hard work on this bill.

It is my understanding that the bill before us is specifically intended to provide a clear mechanism to designate eligible telecommunications carriers, pursuant to section 214(e) of the Communications Act of 1934, for common carriers not subject to the jurisdiction of State commissions, for purposes of the universal service fund. In essence, the bill would ensure such common carriers have access to universal service funds under section 214(e) of the

Communications Act of 1934. Am I correct in that understanding?

Mr. BLILEY. Madam Speaker, the gentleman is correct. The Telecommunications Act of 1996 introduced a new requirement that State commissions determine which common carriers would be designated eligible for universal service funds. The act, however, did not contemplate that certain carriers may fall outside the jurisdiction of a State commission.

Mr. THUNE. Madam Speaker, I thank the gentleman. If the gentleman would yield further, I would like to ask one other question, if I might.

There are some that have expressed concerns that this bill may have implications beyond the question of determining eligibility for the universal service fund to questions of jurisdiction between States and tribal entities. Am I correct in understanding that nothing in this bill is intended to expand or restrict the existing jurisdiction of State commissions over any common carrier or provider in any particular situation?

Mr. BLILEY. Madam Speaker, the gentleman is correct, that nothing in this bill is intended to impact litigation regarding jurisdiction between State and federally recognized tribal entities. Such determinations are outside the scope of this legislation. The intent of this bill is to cover such situations where a State commission lacks jurisdiction over a carrier, in which case the FCC determines who is eligible to receive Federal universal service support.

Mr. THUNE. Madam Speaker, I thank the gentleman from Virginia [Mr. BLILEY], the chairman of the committee, and I thank the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Arizona [Mr. HAYWORTH] for working with me to clarify this issue.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume to again congratulate all of the Members who worked on this legislation, and to add in the name of the gentleman from Arizona [Mr. PASTOR], who is also quite concerned about this issue, and the gentleman from Michigan [Mr. KILDEE], who has expressed great interest in ensuring that there is an equitable distribution of this benefit.

With that, I would hope that the Members of the House would accept this bill.

Mr. TAUZIN. Madam Speaker, I rise in support of S. 1354. This bill would clarify a provision of the Communications Act regarding universal service. A change in the existing law is necessary to ensure that local telephone rates for Native Americans, and possibly other consumers, do not rise.

Universal Service is based on the premise that all Americans should have access to telephone service at affordable rates. This longstanding principle is beneficial to all Americans: the more people that are connected to

the telephone network, the more valuable the network is to each of us.

Failure to enact S. 1354, may force rates to increase for local telephone service in many Native American communities as a result of certain carriers being excluded from the definition of an "eligible telecommunications carrier" under the Communications Act. S. 1354 makes a technical correction to the Act that will make it possible for telephone companies serving areas not subject to the jurisdiction of a State Commission, to be eligible to receive federal Universal Service support. The support will be necessary to keep local telephone rates affordable in these areas.

Supporting S. 1354 at this time is critical because federal support for many of these carriers that serve Native Americans may run out as early as January 1, 1998.

Let me take a moment to extend my appreciation to Mr. HAYWORTH of Arizona and Mr. THUNE of South Dakota for working together on this important matter. These gentlemen have been champions of this issue in the House and it is with their help that we are here today.

The other body has properly passed this bill and has sent it to the House for our consideration. I am hopeful that we can pass this bill and it can be signed into law relatively shortly.

I ask that all Members support S. 1354 and I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield back the balance of my time.

Mr. BLILEY. Madam Speaker, I thank the gentleman from Massachusetts for his kind words, and I urge the passage of the bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). All time has expired.

The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the Senate bill, S. 1354.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MUSEUM AND LIBRARY SERVICES TECHNICAL AND CONFORMING AMENDMENTS OF 1997

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1505) to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

The Clerk read as follows:

S. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Museum and Library Services Technical and Conforming Amendments of 1997".

SEC. 2. APPOINTMENT OF EMPLOYEES.

Section 206 of the Museum and Library Services Act (20 U.S.C. 9105 et seq.) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) APPOINTMENT AND COMPENSATION OF TECHNICAL AND PROFESSIONAL EMPLOYEES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director may appoint without regard to the provisions of title 5, United States Code, governing the appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute.

"(2) NUMBER AND COMPENSATION.—The number of employees appointed and compensated under paragraph (1) shall not exceed 1/3 of the number of full-time regular or professional employees of the Institute. The rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5."

SEC. 3. SPECIAL LIBRARIES.

Section 213(2)(E) of the Museum and Library Services Act (20 U.S.C. 9122(2)(E)) is amended—

(1) by inserting "or other special library" after "a private library"; and

(2) by inserting "or special" after "such private".

SEC. 4. RESERVATIONS.

Section 221(a)(1) of the Museum and Library Services Act (20 U.S.C. 9131(a)(1)) is amended—

(1) in subparagraph (A), by striking "1 1/2 percent" and inserting "1.75 percent"; and

(2) in subparagraph (B), by striking "4 percent" and inserting "3.75 percent".

SEC. 5. MAINTENANCE OF EFFORT.

The second sentence of section 223(c)(1)(A)(i) of the Museum and Library Services Act (20 U.S.C. 9133(c)(1)(A)(i)) is amended to read as follows: "The amount of the reduction in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction—

"(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made; and

"(II) the denominator of which is the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made."

SEC. 6. SERVICE TO INDIAN TRIBES.

Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended—

(1) in the section heading, by striking "INDIAN TRIBES" and inserting "NATIVE AMERICANS"; and

(2) by striking "to organizations" and all that follows through "such organizations" and inserting "to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) to enable such tribes and organizations".

SEC. 7. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

Section 262 of the Museum and Library Services Act (20 U.S.C. 9162) is amended—

(1) in the section heading, by striking "NATIONAL LEADERSHIP GRANTS OR CONTRACTS" and inserting "NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS";

(2) in subsection (a)—

(A) by striking "program awarding national leadership grants or contracts" and inserting "program of awarding grants or entering into contracts or cooperative agreements"; and

(B) by striking "Such grants or contracts" and inserting "Such grants, contracts, and cooperative agreements";

(3) in subsection (b)—

(A) in the section heading, by striking "(b) GRANTS OR CONTRACTS" and inserting "(b) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS"; and

(B) in paragraph (1), by inserting "or cooperative agreements," after "contracts"; and

(C) in paragraph (2), by striking "Grants and contracts" and inserting "Grants, contracts, and cooperative agreements".

SEC. 8. CORRECTION OF TYPOGRAPHICAL ERROR.

Section 262(a)(3) of the Museum and Library Services Act (20 U.S.C. 9162(a)(3)) is amended by striking "preservation of digitization" and inserting "preserving or digitization".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1505, the Museum and Library Services Technical and Conforming Amendments of 1997, and ask for their approval.

The legislation before us today will make technical and conforming amendments to the Museum and Library Services Act in order to improve the ability of the Institute of Museum and Library Services to foster and expand our Nation's access to high quality museums and libraries. Specifically, S. 1505 will give the director of the IMLS the authority to waive certain civil service hiring and pay provisions to allow the institute more flexibility in hiring museum and library professionals to oversee the programs administered by the institute.

The director needs this authority now in order to hire qualified deputy directors for the institute. However, this authority is not open-ended. This legislation specifically limits the director's ability to waive these hiring and pay provisions for not more than 20 percent of the institute's employees. In addition, the legislation as drafted limits the pay of these individuals to not more than the equivalent of a GS-15, currently \$75,935 to \$98,714.

In addition, this legislation will allow special libraries to receive funding under the act if the State in which they are located deems them eligible. Special libraries are those owned by institutions such as hospitals or private

corporations. It was never the intent of the authorizing legislation to exclude these libraries as eligible institutions, and this legislation simply clarifies that understanding.

These amendments will also provide for a modest increase of one-quarter of 1 percent of funds appropriated to serve native Americans, clarify that individual Indian tribes may receive library funds provided under the act, and clarify that organizations providing services to native Hawaiians qualify for funding as native Americans. To ensure that State library agencies do not receive any reduction in funding, the one-quarter of 1 percent increase in funding for native Americans is offset by a corresponding reduction in the amount available to the institute for national leadership grants.

Finally, this legislation will clarify the State maintenance of effort provisions contained in the Museum and Library Services Act so that State reductions and library funding result in proportional reductions in Federal library funds to the State. This change is in keeping with the original agreements made when the act was negotiated, and it is needed because some are interpreting the current maintenance of effort provisions as requiring a dollar-for-dollar reduction rather than a straight proportional reduction.

Madam Speaker, the Museum and Library Services Technical and Conforming Amendments of 1997 are needed now in order to improve the ability of the Institute of Museum and Library Services to foster quality museum and library programs for all Americans. This legislation is budget-neutral. It has already been passed in identical form in the other body. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join my colleagues in urging adoption of this legislation. In the last Congress we enacted landmark legislation that created the Institute of Museum and Library Services. That legislation consolidated the museum programs under the old Institute of Museum Services and the library programs within the Department of Education into an expanded independent agency.

The legislation before us is a series of technical amendments that officials at the institute believe important in order to clarify the provisions of the new law and to provide even more effective administration of our Federal museum and library services.

Madam Speaker, we are fortunate indeed to have Ms. Diane Frankel as the director of our Institute of Museum and Library Services. She is an exceptionally strong and talented leader, and enactment of these amendments will most certainly enable her and her

able staff to build upon the superb record they have compiled at this small but very important agency.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, before I yield back, I would just like to make a couple of comments, and I yield myself such time as I may consume.

First, I would like to thank and congratulate the gentleman from Michigan [Mr. KILDEE], who has been a wonderful individual to work with on the Committee on Education and the Workforce. He is knowledgeable, he is reasonable, which we are not always here, and he is a positive force for education in this country, and that is so vitally needed in this Congress, and we do thank him for all he has done.

I also thank all of the staff people. This is a committee which does not get a lot of recognition, but in my judgment has as good staffing as any committee in the entire Congress. They work extraordinarily hard on both sides of the aisle to put together what I think is legislation in the best interests of the young people of our country, and for that we should be thankful. They are the ones who helped put together this legislation, which is technical but which is needed, and for that reason we hope that all will support it.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the Senate bill, S. 1505.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HISPANIC CULTURAL CENTER ACT OF 1997

Mr. PETRI. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1417) to provide for the design, construction, furnishing, and equipping of a center for performing arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

The Clerk read as follows:
S. 1417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hispanic Cultural Center Act of 1997".

SEC. 2. CONSTRUCTION OF A CENTER FOR PERFORMING ARTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development, and cultural expression.

(2) The Hispanic culture in what is now the United States can be traced to 1528 when a Spanish expedition from Cuba to Florida was shipwrecked on the Texas coast.

(3) The Hispanic culture in New Mexico can be traced to 1539 when a Spanish Franciscan Friar, Marcos de Niza, and his guide, Estevanico, traveled into present day New Mexico in search of the fabled city of Cibola and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Onate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(5) Based on the 1990 census, there are approximately 650,000 Hispanics in New Mexico, the majority having roots reaching back ten or more generations.

(6) There are an additional 200,000 Hispanics living outside of New Mexico with roots in New Mexico.

(7) The New Mexico Hispanic Cultural Center is a living tribute to the Hispanic experience and will provide all citizens of New Mexico, the Southwestern United States, the entire United States, and around the world, an opportunity to learn about, partake in, and enjoy the unique Hispanic culture, and the New Mexico Hispanic Cultural Center will assure that this 400-year old culture is preserved.

(8) The New Mexico Hispanic Cultural Center will teach, showcase, and share all facets of Hispanic culture, including literature, performing arts, visual arts, culinary arts, and language arts.

(9) The New Mexico Hispanic Cultural Center will promote a better cross-cultural understanding of the Hispanic culture and the contributions of individuals to the society in which we all live.

(10) In 1993, the legislature and Governor of New Mexico created the Hispanic Cultural Division as a division within the Office of Cultural Affairs. One of the principal responsibilities of the Hispanic Cultural Division is to oversee the planning, construction, and operation of the New Mexico Hispanic Cultural Center.

(11) The mission of the New Mexico Hispanic Cultural Center is to create a greater appreciation and understanding of Hispanic culture.

(12) The New Mexico Hispanic Cultural Center will serve as a local, regional, national, and international site for the study and advancement of Hispanic culture, expressing both the rich history and the forward-looking aspirations of Hispanics throughout the world.

(13) The New Mexico Hispanic Cultural Center will be a Hispanic arts and humanities showcase to display the works of national and international artists, and to provide a venue for educators, scholars, artists, children, elders, and the general public.

(14) The New Mexico Hispanic Cultural Center will provide a venue for presenting the historic and contemporary representations and achievements of the Hispanic culture.

(15) The New Mexico Hispanic Cultural Center will sponsor arts and humanities programs, including programs related to visual arts of all forms (including drama, dance, and traditional and contemporary music), research, literary arts, genealogy, oral history, publications, and special events such as, fiestas, culinary arts demonstrations, film video productions, storytelling presentations and education programs.

(16) Phase I of the New Mexico Hispanic Cultural Center complex is scheduled to be completed by August of 1998 and is planned to consist of an art gallery with exhibition space and a museum, administrative offices, a restaurant, a ballroom, a gift shop, an amphitheater, a research and literary arts center, and other components.

(17) Phase II of the New Mexico Hispanic Cultural Center complex is planned to include a performing arts center (containing a 700-seat theater, a stage house, and a 300-seat film/video theater), a 150-seat black box theater, an art studio building, a culinary arts building, and a research and literary arts building.

(18) It is appropriate for the Federal Government to share in the cost of constructing the New Mexico Hispanic Cultural Center because Congress recognizes that the New Mexico Hispanic Cultural Center has the potential to be a premier facility for performing arts and a national repository for Hispanic arts and culture.

(b) DEFINITIONS.—In this section:

(1) CENTER.—The term "Center" means the Center for Performing Arts, within the complex known as the New Mexico Hispanic Cultural Center, which Center for the Performing Arts is a central facility in Phase II of the New Mexico Hispanic Cultural Center complex.

(2) HISPANIC CULTURAL DIVISION.—The term "Hispanic Cultural Division" means the Hispanic Cultural Division of the Office of Cultural Affairs of the State of New Mexico.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) CONSTRUCTION OF CENTER.—The Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the design, construction, furnishing, and equipping of the Center for Performing Arts that will be located at a site to be determined by the Hispanic Cultural Division, within the complex known as the New Mexico Hispanic Cultural Center.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(B) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (2) recognizing that time is of the essence for the construction of the Center because 1998 marks the 400th anniversary of the first permanent Spanish settlement in New Mexico.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Center;

(B) that Antoine Predock, an internationally recognized architect, shall be the supervising architect for the construction of the Center or any other architect subsequently named by the State;

(C) that the Director of the Hispanic Cultural Division shall award the contract for architectural engineering and design services in accordance with the New Mexico Procurement Code; and

(D) that the contract for the construction of the Center—

(i) shall be awarded pursuant to a competitive bidding process; and

(ii) shall be awarded not later than 3 months after the solicitation for bids for the construction of the Center.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c) shall be in cash or in kind fairly evaluated, including plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, construction, furnishing, or equipping of Phase I or Phase II of the New Mexico Hispanic Cultural Center complex prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) \$16,410,000 that was appropriated by the New Mexico legislature since January 1, 1993, for the planning, property acquisition, design, construction, furnishing, and equipping of the New Mexico Hispanic Cultural Center complex.

(B) \$116,000 that was appropriated by the New Mexico legislature for fiscal year 1995 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(C) \$226,000 that was appropriated by the New Mexico legislature for fiscal year 1996 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(D) \$442,000 that was appropriated by the New Mexico legislature for fiscal year 1997 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(E) \$551,000 that was appropriated by the New Mexico legislature for fiscal year 1998 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(F) A 10.9-acre lot with a historic 22,000 square foot building donated by the Mayor and City Council of Albuquerque, New Mexico, to New Mexico for the New Mexico Hispanic Cultural Center.

(G) 12 acres of "Bosque" land adjacent to the New Mexico Hispanic Cultural Center complex for use by the New Mexico Hispanic Cultural Center.

(H) The \$30,000 donation by the Sandia National Laboratories and Lockheed Martin Corporation to support the New Mexico Hispanic Cultural Center and the program activities of the New Mexico Hispanic Cultural Center.

(e) USE OF FUNDS FOR DESIGN, CONSTRUCTION, FURNISHING, AND EQUIPMENT.—The funds received under a grant awarded under subsection (c) shall be used only for the design, construction, management, inspection, furnishing, and equipment of the Center.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section a total of \$17,800,000 for fiscal year 1998 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. PETRI] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of S. 1417, the Hispanic Cultural Center Act of 1997. This bill provides for the design, construction and equipping of a Center for Performing Arts

with the complex of the New Mexico Hispanic Cultural Center.

Already, \$5.5 million has been appropriated for the center. These funds are subject to authorization, which can be provided through the passage of the bill that is before us.

Madam Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. REDMOND].

Mr. REDMOND. Madam Speaker, I thank the gentleman from Wisconsin [Mr. PETRI] for yielding me time to speak in support of Senate bill 1417, the Hispanic Cultural Center Act.

Madam Speaker, 1998 will mark the 400th anniversary of the establishment of the Hispanic community in New Mexico. The anniversary represents a perfect time to pay tribute to the Spanish people of New Mexico, the Southwest, and the United States.

The State of New Mexico has invested over \$17.7 million toward the establishment of phase 1 of the New Mexico Hispanic Cultural Center. In addition, the city of Albuquerque has donated 10.9 acres and a historic 22,000-square-foot building. Twelve acres of bosque land near the Rio Grande have also been donated by the Middle Grande Conservancy District. Private contributors are also helping to meet the Hispanic Cultural Center goals.

This bill authorizes funding to match the New Mexico contribution. This authorization is to build a critical Hispanic performing arts center at an estimated cost of \$17.8 million.

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This multifaceted Hispanic Cultural Center is designed to showcase, share, archive, preserve, and enhance the rich Hispanic culture for local, regional, and national audiences. The Hispanic Cultural Center will be an Hispanic arts and humanities showcase to display the works of national and international artists and to provide for a venue of educators, scholars, artists, children, elders, and the general public.

Once built, the Hispanic Cultural Center will employ over 100 people. A whole new industry of preserving, showcasing, and enhancing the pride in Hispanic cultural roots is vital for New Mexico and for Hispanic culture.

I would like to note that New Mexico is indebted to the gentleman from New Mexico [Mr. STEVE SCHIFF], my colleague from the First District. I believe that authorizing the Federal funding for the Hispanic Performing Arts Center will be a significant step towards building a national treasure in its critical, formative stages.

I urge my colleagues to support the funding for the Hispanic Performing Arts Center in Albuquerque, New Mexico, in honor of the 40th anniversary of Spanish culture, and in hopes of seeing the preservation and enhancement of this culture flourish to its 50th year. I urge my colleagues to pass the Senate bill, S. 1417.

Mr. MARTINEZ. Madam Speaker, I rise in support of S. 1417, an act to authorize funding for the Hispanic Performing Arts Center in Albuquerque, New Mexico. This appropriation, as the gentleman who just spoke has said, will match the \$17.8 million the State of New Mexico has appropriated for the project.

The construction of the center is being undertaken in preparation for the 40th anniversary of Spanish presence in New Mexico. The Hispanic Cultural Center, of which the Performing Arts Center is part, is designed to showcase, share, archive, preserve, and enhance the rich Hispanic culture for local, regional, and national audiences.

I understand this measure has bipartisan support, both here and in the Senate. I urge support for this important cultural initiative.

Madam Speaker, I yield back the balance of my time.

Mr. PETRI. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. PETRI] that the House suspend the rules and pass the Senate bill, S. 1417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING FEDERAL CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

Mr. DAVIS of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3025) to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

The Clerk read as follows:

H.R. 3025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

The Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization and Medical Services, Inc.," approved August 11, 1939 (53 Stat. 1412), is amended—

(1) by inserting after section 9 the following new section:

"SEC. 10. The corporation may have 1 class of members, consisting of at least 1 member and not more than 30 members, as determined appropriate by the board of trustees. The bylaws for the corporation shall prescribe the designation of such class as well as the rights, privileges and qualifications of such class, which may include, but shall not be limited to—

"(1) the manner of election, appointment or removal of a member of the corporation;

"(2) matters on which a member of the corporation has the right to vote; and

"(3) meeting, notice, quorum, voting and proxy requirements and procedures.

If a member of the corporation is a corporation, such member shall be a nonprofit corporation."

(2) by redesignating section 10 as section 11; and

(3) by adding at the end of section 11 (as so redesignated) the following: "The corporation may not be dissolved without approval by Congress."

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Virginia, Mr. DAVIS and the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, will each control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill amends the Federal Charter of GHMSI, the Blue Cross/Blue Shield Plan of the National Capital Area. This bill is necessary in order to enable a letter of intent between the parties to combine to be subject to regulatory approval in Maryland and the District of Columbia.

GHMSI will continue to be subject to the District's Nonprofit Corporation Act and is under the jurisdiction of the insurance superintendent. GHMSI will continue to be bound by its existing certificates of authority and licenses and will continue to be bound by applicable laws and regulations.

H.R. 497, which passed this House in February, would have repealed the Federal charter. This bill reflects concerns which were subsequently raised. All other Blue Cross plans in the country are State-chartered corporations operating under State regulatory oversight. Due to a 1939 pre-Home Rule statute, GHMSI alone needs congressional approval to change its corporate structure.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3025, a bill which simply adds a new section to the Federal charter of Group Hospitalization and Medical Services, Inc., the organization licensed to operate as Blue Cross and Blue Shield of the National Capital Area, to permit it to enter into a business combination with Blue Cross and Blue Shield of Maryland.

This new arrangement is designed to improve both companies' service delivery and to reduce their operating costs. By combining operations, the two hospital plans will be able to offer their enrollees a larger provider network offering greater portability and broader product options. In addition, economies of scale should lead to more affordable premiums.

Should the combination go forward, a new nonprofit holding company would be established, and the two Blue Cross plans would become its subsidiaries.

H.R. 3025 would give D.C. Blue the requisite legal and corporate authority to have one class of members whose rights and privileges would be set out in the plan's bylaws. Only one member will be authorized, which would be the holding company.

I wish to emphasize that H.R. 3025 does not create or mandate the plans' combination. That arrangement would first have to be approved by the District of Columbia and Maryland insurance commissioners before taking effect.

Madam Speaker, I can support H.R. 3025 because of ironclad safeguards. No conversion of tax-exempt assets will be allowed under the language of this bill. As I speak, the District and Maryland both have been holding hearings on this affiliation. There have been 4 days of hearings by the D.C. insurance commissioner.

There are three safeguards that are most important to my support.

One, for a substantial change to occur, there must be an 80 percent vote. This assures that the District of Columbia will not be overwhelmed by the larger Maryland company. This House is aware that in the District we are jealous in guarding our jurisdictional rights. The 80 percent vote is very appropriate in that regard.

Secondly, no conversion can take place without review and approval by the respective insurance commissioners. They, of course, would have every reason not to want to see the tax-exempt assets squandered, and therefore to guard against that on their own accord.

Third and perhaps most important, any conversion could have to come before this body before it could be approved.

Madam Speaker, I support this bill with these safeguards, because I want this corporation to live. I am not sure that it will do so without this combination. As recently as 1993, Blue Cross of Washington was almost out of business. The competitive landscape does not make it easy for a health care provider to remain in business.

What Blue Cross/Blue Shield is up against in this jurisdiction, for example, are combinations between Humana and Kaiser, Aetna's acquisition of U.S. Health, and to name just one more, United Health Care has bought Chesapeake Health Plan. In the face of these combinations, there is every reason for Blue Cross, which has had very severe problems, to want to consolidate to get efficiencies of scale, such as one computer center, as it begins to rebuild its computer operation, for example.

Ironically, the best shot at keeping this a nonprofit company is to allow this combination. That is why I can support it. The D.C. "Blue" can make no change in its nature, purpose, or structure without the Congress taking further action on its charter, and, again, I emphasize that.

I want to say how much I appreciate the concern of other Members who have had experiences with such combinations that have not been at all productive. Their experience and their advice have been instructive and helpful.

Congressional action on this legislation must be taken before adjournment for the year, because the agreement between the plans to pursue the combination expires at the end of next month.

Madam Speaker, I strongly support H.R. 3025 because I believe that the proposed combination between the District and Maryland Blue Cross plans will benefit the people I represent. I am pleased to point out that the bill also enjoys the support of other Members in this region whose constituents will be benefited as well. All of us are confident that our local regulators will ensure that the public interest is well protected, should they approve this combination. I ask that Members give H.R. 3025 their support.

Madam Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Madam Speaker, let me thank my friend, the gentlewoman from the District of Columbia, for yielding me this time, and join the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Virginia [Mr. DAVIS] in support of H.R. 3025. I think it is important to point out that this bill will not repeal the Federal charter for the D.C. Blue Cross/Blue Shield plan. It amends the charter. It makes it possible for the merger to take place. It does not mandate anything to occur.

The bill makes it clear that the benevolent and charitable status of the D.C. Blue Cross plan remains in place. As the gentlewoman from the District of Columbia [Ms. NORTON] has pointed out, by passing this bill, we ensure that the D.C. Blue Cross plan will remain a benevolent and charitable organization.

The bill allows the local regulators, and that is where the venue should be, to debate the issues of the merger. As to whether it should take place and what conditions it should be ordered to comply with, it is the local regulators who should make that judgment, not the Congress of the United States.

This bill makes it clear that the merger can move forward, but it is subject to the normal regulatory process. I think H.R. 3025 is the appropriate action for us to take. I applaud my colleagues for bringing it to the floor. I hope we can act on it today so it can be enacted before Congress adjourns for the year.

Mr. CUMMINGS. Madam Speaker, the proposal that we are considering today will help bring improved services and benefits to the many Blue Cross/Blue Shield subscribers in my district in Baltimore and to many of the constituents of representatives from suburban Maryland, Northern Virginia, and Washington, D.C.

I commend the gentleman from Virginia and the gentle lady from the District of Columbia for their leadership in this area.

A merger between the National Capital Area Blue Cross/Blue Shield and Maryland Blue Cross/Blue Shield will create a 3 billion-a-year nonprofit company—providing health care coverage to 25 percent of the 8 million residents of Maryland, the District, and the Northern Virginia suburbs and employ 5,000 people.

Just as importantly, my constituents in Baltimore that are enrolled in the Blue Cross/Blue Shield plan will receive tangible results from the merger. It will increase competition, which will result in better service, more options and access to a larger number of doctors, hospitals and pharmacies at a lower cost for its customers.

The passage of this bill is essential to giving my constituents in Baltimore, and the constituents of the members of Maryland, Virginia, and Washington, D.C. the type of comprehensive, quality health care they deserve.

I am glad to know that we in Congress are doing all that we can to give health care providers greater flexibility to meet our constituents' health care needs.

Again, I congratulate the gentleman from Virginia [Mr. DAVIS] for introducing this meaningful legislation and for working with the minority in such a bipartisan fashion.

Mr. CARDIN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill, H.R. 3025.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXPRESSING SENSE OF HOUSE CONCERNING NEED FOR INTERNATIONAL CRIMINAL TRIBUNAL TO TRY MEMBERS OF IRAQI REGIME

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 137) expressing the sense of the House of Representatives concerning the urgent need for an international criminal

tribunal to try members of the Iraqi regime for crimes against humanity.

The Clerk read as follows:

H. CON. RES. 137

Whereas the regime of Saddam Hussein has perpetrated a litany of human rights abuses against the citizens of Iraq and other peoples of the region, including summary and arbitrary executions, torture, cruel and inhumane treatment, arbitrary arrest and imprisonment, disappearances and the repression of freedom of speech, thought, expression, assembly and association;

Whereas Saddam Hussein and his associates have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, the Anfal campaigns of 1987-1988 that resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than ten million landmines in Iraqi Kurdistan, and the continued ethnic cleansing of the city of Kirkuk;

Whereas the Iraqi Government, under Saddam Hussein's leadership, has repressed the Sunni tribes in western Iraq, destroyed Assyro-Chaldean churches and villages, deported and executed Turkomen, massacred Shi-ites, and destroyed the ancient Marsh Arab civilization through a massive act of ecocide;

Whereas the status of more than six hundred Kuwaitis who were taken prisoner during the Gulf War remain unknown and the whereabouts of these persons are unaccounted for by the Iraqi Government, Kuwait continues to be plagued by unexploded landmines six years after the end of the Gulf War, and the destruction of Kuwait by departing Iraqi troops has yet to be redressed by the Iraqi Government;

Whereas the Republic of Iraq is a signatory to the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other human rights instruments, and the Geneva Convention on the Treatment of Prisoners of War of August 12, 1949, and is obligated to comply with these international agreements;

Whereas Saddam Hussein and his regime have created an environment of terror and fear within Iraq and throughout the region through a concerted policy of violations of international customary and conventional law; and

Whereas the Congress is deeply disturbed by the continuing gross violations of human rights by the Iraqi Government under the direction and control of Saddam Hussein: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the House of Representatives that—

(1) the Congress—

(A) deplores the Iraqi Government's pattern of gross violation of human rights which has resulted in a pervasive system of repression, sustained by the widespread use of terror and intimidation;

(B) condemns the Iraqi Government's repeated use of force and weapons of mass destruction against its own citizens, as well as neighboring states;

(C) denounces the refusal of the Iraqi Government to comply with international human rights instruments to which it is a party and cooperate with international monitoring bodies and compliance mechanisms, including accounting of missing Kuwaiti prisoners; and

(2) the President and the Secretary of State should—

(A) endorse the formation of an international criminal tribunal for the purpose of prosecuting Saddam Hussein and all other Iraqi officials who are responsible for crimes against humanity, including unlawful use of force, crimes against the peace, crimes committed in contravention of the Geneva Convention on POW's and the crime of genocide; and

(B) work actively and urgently within the international community for the adoption of a United Nations Security Council resolution establishing an International Criminal Court for Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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Mr. GILMAN. Madam Speaker, the resolution before us today, House Concurrent Resolution 137, which I introduced, along with our colleague the gentleman from Illinois [Mr. PORTER], cochairman of the Human Rights Caucus, expresses a sense of the House concerning urgent need for an international war crimes tribunal to try Saddam Hussein and members of his Iraqi regime for crimes against humanity.

I want to thank the gentleman from Illinois [Mr. PORTER] for his leadership on this important issue. The critical need for this measure is highlighted by the events taking place just as we speak. House Concurrent Resolution 137 notes that dictator Saddam Hussein has perpetrated a litany of human rights abuses against the citizens of Iraq, including arbitrary executions, torture, cruel and inhumane treatment, arbitrary arrest and imprisonment, and disappearances.

Saddam Hussein has attempted to destroy the Kurdish population in Iraq through the use of chemical weapons. He has repressed Sunni tribes in western Iraq, destroyed Assyro-Chaldean churches and villages, executed Turkomen, and massacred Shiites. Saddam Hussein has also continued to commit ecocide against the ancient Marsh Arab civilization.

Saddam Hussein's brutality is not limited only to his fellow Iraqis. We recall the dark days of the Gulf War, which witnessed Saddam's holding Ku-

wait and its innocent citizens hostage for so many months. The whereabouts of more than 600 Kuwaitis who were taken prisoner during the Gulf War still remains unknown and unaccounted for by the Iraqi Government.

House Concurrent Resolution 137, therefore, expresses a sense of Congress deploring the Iraqi Government's pattern of gross violations of human rights and denounces Saddam's refusal to comply with international human rights documents to which Iraqi is signatory. This bill also endorses the creation of an international criminal tribunal to prosecute Saddam Hussein and his henchmen and urges the President and Secretary of State to work actively toward the adoption of a United Nations Security Council resolution establishing an international criminal court for Iraq.

Accordingly, Mr. Speaker, I urge our colleagues' strong support for the adoption of House Concurrent Resolution 137.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the Chair and the gentleman from Illinois [Mr. PORTER] for their efforts on this timely resolution. And I know that I speak for my colleagues, particularly the ranking member, the gentleman from Indiana [Mr. HAMILTON], in indicating our feelings with reference to this particular resolution.

We do not oppose this resolution. I join the chairman at this time in condemning Iraq's gross violation of human rights. Those who commit such crimes should be brought before an international criminal court, as this resolution correctly states. I do question, however, and several of us do, whether this resolution is likely to have much impact.

The resolution calls for an international court to bring Saddam Hussein to justice. But this resolution does not tell us how we get from here to there. The chief concern that I wish to express is that this resolution will raise expectations, especially in Kuwait, that such an international court will be created. But we do not, by our actions today, create a court or make it significantly more likely that such a court will be created.

I do, however, strongly support the resolution. It urges the United States to work for a U.N. resolution creating an international criminal court for Iraq. I would hope that we would continue in a vigorous manner to urge the United Nations to do that.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I thank the gentleman from Florida [Mr. HASTINGS] for yielding me the time.

I rise in support of this bill. What I would like to say, though, is that every great human rights struggle has involved personal responsibility and sacrifice. Today, Mr. Speaker, a brave group of hunger strikers are highlighting the human rights issues posed by the Turkish Government against the Kurdish population, also the Kurdish population, you notice a connection with this bill, the Kurdish population and Kurdish elected officials.

I would like to quote to my colleagues from a letter which was sent to President Clinton and signed by 153 Representatives which highlights the terrible situation of a Kurdish politician who was elected by her people and who is in prison for violating Kurdish law. All she did was speak out, as any Parliamentarian does. As I today speak out for human rights, she was speaking out.

In our letter to Mr. Clinton we say, one of the charges against Mrs. Zana was her 1993 appearance, here in Washington, at the invitation of the U.S. Congress. We say, we find it outrageous that although she had been invited to participate, her activities led to her imprisonment. We actively today, Mr. Speaker, seek and call on the administration to look for the release of Leyla Zana and to look at the terrible situation of the Kurdish people in Turkey.

I got a letter just the other day from our Representative to the United Nations, former Congressman Bill Richardson; and he said, Leyla Zana's case is one of four convictions which are being appealed to the European Human Rights Commission. Four of those convictions.

Mr. Speaker, I say today that we must focus the light of the American conscience on those people who are standing today in solidarity with the Turkish citizens, whether they be in Iraq or Turkey. And especially I want to draw attention to those brave citizens who have decided to take their lives at stake, their own health, by standing with Mrs. Zana and other Kurdish officials who have been imprisoned in Turkey.

I thank the chairman for allowing me to speak on this issue. This is an issue, just as the bill is an issue, of human rights violations to the Kurdish population. It is up to us, as Members of Congress and members of the greatest democracy in the world, to speak out when we see human rights violations, whether it be our friends or our enemies who are creating these violations.

I thank the gentleman from Florida [Mr. HASTINGS] for letting me use this time, and I thank him for his great work for human rights, as also the chairman the gentleman from New York [Mr. GILMAN], who have stood for human rights in this country, in this body. And together, I think that we will all join to try and get the release

of these Turkish elected officials who are Kurdish and who are speaking for their own citizens.

So, today, I join in solidarity with those hunger strikers. And I have heard them say, "Oh, well, these are terrorists." I remember when Nelson Mandela in South Africa was termed a "terrorist." A terrorist is also a freedom fighter. These people are seeking freedom for their people.

Mr. GILMAN. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished co-chairman of the Human Rights Caucus.

Mr. PORTER. Mr. Speaker, let me thank the able and distinguished chairman the gentleman from New York [Mr. GILMAN] for yielding me this time, but more importantly, for bringing this very significant legislation to the floor today.

In light of what is going on in Iraq at this moment, this could not be a more timely resolution. Once again, Saddam Hussein is showing his true colors as a ruthless dictator who will attempt to do anything to manipulate his way out of sanctions and weapons monitoring through whatever means he can.

Mr. Speaker, I grew up in an era characterized, unfortunately, by ruthless dictators—Hitler, Mussolini and Stalin—individuals who committed crimes of unspeakable horror against their own people, against their minorities. And the regime in Iraq is identical to the types that were run in Nazi Germany, in Fascist Italy, and in Communist Soviet Union under Stalin.

We must stop Saddam Hussein now. We must isolate him and make certain that the world understands the nature of his ruthless regime. We must make certain that Saddam Hussein and every one of his henchmen are indicted as war criminals and individuals who commit crimes against humanity.

I am pleased to be an original cosponsor of this legislation to bring him to justice for the crimes he has committed against the Iraqi people and against the citizens of other countries whom he has harmed, including our own people. The Kurdish people, the Marsh Arabs, the Assyrian minority, the members of the Iraqi National Congress, the Kuwaiti prisoners of war, these are just a few of the victims of Saddam and his ruthless regime.

Mr. Speaker, he has used chemical weapons against his own people. In 1988, 8,000 Kurds were killed in Halabja by one poison gas attack using the chemical agent sarin that he had produced. Now we are in Iraq trying to determine where he keeps those supplies and of an even worse nerve agent, VX, that just like sarin can kill people in the way he killed Iraqi Kurds in Halabja—mercilessly and indiscriminately.

He has waged ecological war against his own people, the Marsh Arabs. He has tortured, murdered, and kidnapped

to maintain power. Saddam Hussein has clearly committed, in my judgment, crimes against humanity, crimes against the peace, and gross breaches of humanitarian law. If there is any individual in the world who deserves to be brought to justice today, it is Saddam Hussein.

I would commend this resolution to my colleagues and urge all of them to join me in sending a strong message to Saddam Hussein and the international community that the United States has not forgotten his crimes, that we hold him accountable for these abuses, and we demand justice for his victims.

Mr. Speaker, on the steps of the Capitol right now there are people, Kurds, who are starving themselves. They are I believe 25 days into a hunger strike to free Leyla Zana, a Turkish Parliamentarian who was elected in 1991, came to the United States in 1993 to testify about human rights abuses against the Kurdish minority in her country, testified before a standing committee of Congress and before the Congressional Human Rights Caucus, went home, was then stripped of her office by her government, placed in jail, tried for what is equivalent to treason, and given a 15-year sentence for merely speaking her mind and testifying before the United States Congress.

Turkey and Iraq together at this moment, Mr. Speaker, are attacking the Kurds in northern Iraq. Turkey has come across the line with tens of thousands of their elite troops, using napalm and cluster bombs against the Kurdish minority that has fled their country. Iraq is joining in on the other side. Both are persecuting the Kurds at this moment. Each of the countries in which the Kurds exist as a minority, in Turkey, in Iraq, in Iran, in Syria, each one of them oppresses that minority. Each one of them turns Kurd against Kurd in an effort to oppress them, and each one of them calls the Kurdish people, who would seek only basic human rights, terrorists, when they are only protecting themselves from oppression.

Mr. Speaker, the oppression must end. The Kurds are not terrorists. There may be some who believe they have no other way out, but the Kurdish people are not terrorists. They are people simply seeking their rights, their rights against the Turkish Government, their rights against the Iranian Government, their rights against the Syrian Government, and their rights also against the Iraqi regime of Saddam Hussein.

It is the governments who oppress them that are the terrorists. It is the governments who deny them their basic human rights, deny them respect and standing in their communities, kill them and their children on a daily basis, attempt to drive them out of their societies—those are the true terrorists, Mr. Speaker.

The chief among them is Saddam Hussein, whose regime responds to

nothing, not to public pressure, not to resolutions from the Security Council. It is time that we isolate this regime. It is time that we declare Saddam Hussein to be what he is, a person who commits crimes against humanity that all of us abhor. It is time that we indict him and try him and remove him from power, and that we return Iraq to a State that can live in the world community at peace with its neighbors and stop this murderous, ruthless dictatorial regime from further oppressing its people and threatening its neighbors.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California [Mr. LANTOS], a continuing champion for human rights around the world.

□ 1415

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding me this time. I want to commend the cochairman on the Republican side of the Congressional Human Rights Caucus, the gentleman from Illinois [Mr. PORTER], for his powerful and eloquent statement, and I want to commend the chairman of the Committee on International Relations, who has been indefatigable in his fight for human rights, in bringing H. Con. Res. 137 before us.

I fully concur with all previous statements made concerning Saddam Hussein and his despicable regime. It is remarkable, Mr. Speaker, that even at this late date there are apologies for Saddam Hussein and his brutal and cruel regime in the West. There are countries that can hardly wait to renew on a large scale their lucrative business deals with Iraq, despite the fact that the Saddam Hussein regime has been attempting to conceal, hide, obfuscate its continuing development of weapons of mass destruction.

Later this afternoon, this body will have an opportunity of dealing with a resolution that expresses the view of the House that if peaceful and diplomatic measures do not succeed, military action, preferably on a multinational scale, be undertaken to eliminate Hussein's chemical, biological, nuclear and missile capability. But while that is a military issue, this is a human rights issue. A regime which has poison gassed its own people, a regime which perpetrates the worst human rights violations of the 20th century against its own people, does indeed need to be hauled before an international tribunal and tried for crimes against humanity. If there was central casting's appropriate person to be hauled before the international community for crimes against humanity, it is Saddam Hussein. His brutality, his ruthlessness, his bloodthirstiness, knows no bounds.

I call on all of my colleagues across the aisle to vote to approve this important measure.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRBACHER], a member of our committee.

Mr. ROHRBACHER. Mr. Speaker, I rise in strong support of the Porter amendment to indict Saddam Hussein for crimes against humanity and war crimes as well. I voted for the gulf war, and I did so reluctantly but I knew that our national well-being and our national security were at stake. I then cheered the troops when they came home victorious, what seemed to be one of the greatest and most glorious victories in our country's history.

Yet the job was not finished. If President Bush has anything to regret, it should be the fact that he sent our troops by the hundreds of thousands to the Persian Gulf and we did not finish the job when our people were there.

It is clear that the enemy of the United States was not the people of Iraq. The Porter amendment today focuses on the real enemy of not only the United States but people who believe in democratic rights and human rights, Saddam Hussein and his clique of thugs that control Iraq. During the gulf war we killed hundreds of thousands, perhaps hundreds of thousands of young men, and perhaps some women and children as well, who were not enemies of the United States. Many of those people had just been drafted into the army by a tyrant named Saddam Hussein.

This amendment goes straight to the heart of the issue. Saddam Hussein is our enemy. We should indict this man. He should be brought to trial like any other war criminal, whether it was Adolf Hitler or some of the Serbian gangsters who have committed genocide more recently in Bosnia.

Again, this underscores and what has happened underscores that there is a relationship between peace and freedom and prosperity. If we go for short-term peace and we try to bring our troops home too soon or we cut deals with tyrants, it will bring us neither peace nor freedom. We cannot compromise the value of freedom because in the end it will bring us to a situation where our security is under attack.

Let us not forget, as well, that over 600 Kuwaiti POW's have yet to be accounted for. There are thousands upon thousands of Kuwaiti families who are missing a member of their family who have never been accounted for, who were killed or taken away by the Iraqis when they invaded that country and occupied it for that year. That is the equivalent of millions of Americans who would have a family member lost and unaccounted for. There must be an accounting of the Kuwaiti prisoners of war. There must be an accounting of Saddam Hussein for all of his crimes.

Let us remember that when the Soviet Union began to evolve into what is

now a democratic Russia or continues to struggle to try to be a democratic Russia, the chances for peace went up. A demand for freedom in Iraq and an elimination of this tyrant, Saddam Hussein, will increase the chances for peace in that entire region and secure the United States of America as well. I strongly support the amendment of the gentleman from Illinois [Mr. PORTER] to bring Saddam Hussein to task.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. ROHRBACHER] for his eloquent words.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in very strong support of H. Con. Res. 137, which condemns the government of Iraq for its continued reign of terror against the Kurds, and that is what it has basically been for the last several years, a reign of terror that unfortunately the West has not focused on. But with this resolution and with the effort that the Kurds are now making, I think more and more people are focusing on it.

What this would do is encourage the establishment of a war crimes tribunal to try Saddam Hussein and the other Iraqi officials for their crimes against humanity. I want to commend the gentleman from Illinois [Mr. PORTER], the gentleman from New York [Mr. GILMAN], and the other Members for sponsoring this resolution. Hopefully this resolution will send a message not only through the United States, but to the Kurdish population around the world and particularly in that area, that the United States Congress, the people's House, cares very, very deeply.

Iraq is a bad actor government. Saddam Hussein is a brutal dictator who cares about nothing more than hanging onto his power. He has persecuted the people of Iraq. He is engaging in a dangerous showdown with the West. He is not afraid to murder members of his own family who threaten to tell the truth about his brutality or threaten his reign.

He is seeking to wipe out the Kurds of northern Iraq who are trapped because of their geography. The Kurds of northern Iraq have nowhere to go to escape their plight. They have been and are being murdered, imprisoned, tortured and repressed. Hopefully with this resolution, sponsored by the gentleman from Illinois [Mr. PORTER] and supported by the gentleman from New York [Mr. GILMAN] and so many other Members, it will send a message to Saddam Hussein that the West cares, and send a message to the Kurds that are going through this problem that we deeply care and that we stand with them.

Mr. GILMAN. I thank the gentleman from Virginia [Mr. WOLF] for his kind remarks in support of the resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. I thank the gentleman for yielding me this time.

Mr. Speaker, I agree certainly with the sharp criticism against the government and the leaders of Iraq. I do disagree with what we are trying to do here, not because it is not well motivated, but I do not see that we have the authority to all of a sudden impose our system of justice across the entire world. I do not think it is effective. I think it drums up anti-American hostility more than it achieves justice.

But there is a bit of inconsistency here. Earlier it was mentioned that it is not only the Iraqis that abuse the Kurds, the Turks do it as well. Why are the Turks not included in this? Why do we not call them out and put them on the carpet and demand justice from the Turks? But they happen to be our allies.

At the same time, we ignore other major problems. What did we do with China? The leaders of China came here, they got the red carpet treatment and a promise of more money. But how do they treat their people at Tiananmen Square and currently throughout their whole country? They abuse civil liberties there.

But are we going to do the same thing? Do Members think we can do that? We pick and choose and pretend that we are going to perform this great system of justice on the world. Indonesia today, they are getting bailed out by the American taxpayer to the tune of tens of billions of dollars. They mistreat in a serious manner the people in East Timor. But here we decide all of a sudden that we are going to, through the United Nations, expose the American taxpayer, expose young American soldiers, because how are we going to enforce these things? Where do we get this authority to be the policeman of the world?

I do not believe we have this authority. I believe it is detrimental overall to our national security. I believe it is a threat to the American people and indirectly, in many ways, to the taxpayer. I object. I object generally to so many of these amendments, so well-intended. I do not disagree with the challenges, the charges made against Iraq and the leadership. I strongly criticize the approach to trying to solve this very serious problem.

Mr. ROHRBACHER. Mr. Speaker, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from California.

Mr. ROHRBACHER. First, would the gentleman suggest that there is not a relationship between freedom and peace?

Mr. PAUL. Mr. Speaker, I am not sure what the gentleman is getting at. I know the most important thing for freedom and peace is for me to obey the Constitution. Where is it the authority of the Constitution for us to police the world?

Mr. ROHRABACHER. The gentleman is suggesting, then, that this body should not have condemned Adolf Hitler until he actually attacked the United States, is that what he would suggest? Is that his foreign policy?

Mr. PAUL. I think that is not the debate on the floor right now. I think when our national security is threatened, the American people have a right to vote through their Congressmen for a declaration of war.

This is the kind of thing that leads to Vietnam War-type wars and U.N. sanctions. This is the kind of thing that leads to Koreas, Vietnams and useless wars. This is why we did not win the war in the Persian Gulf and why we are still faced with this problem.

Mr. ROHRABACHER. Short of a declaration of war, the gentleman does not think the United States Government should do anything about tyranny?

Mr. PAUL. I believe in the responsibility of this U.S. Congress to assume that they are the ones that declare war in a proper manner.

Mr. Speaker, in closing, I have no criticism about those who are challenging the leadership in Iraq. I condemn them. I challenge, though, the technique that we are using, the process that we are using. I do not believe we have the authority. Long-term, it is not effective.

It is totally inconsistent when we are dealing with China. These token resolutions that we dealt with on China will have nothing to do with solving the problem. At the same time, we give them more money, we give the Turks more money, we give China more money, we give Indonesia more money, and they are all in the process of abusing civil liberties. I just think that we have conveniently picked a whipping horse and we are pretending that we are doing some good.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I just wanted to say to the gentleman who just finished speaking that I certainly respect the consistency of his ideas, but I disagree. If he had expressed those ideas as a member of the parliament in Turkey or if he expressed them in Iraq or in Indonesia, he might well find himself in the same situation as Leyla Zana and the Kurdish parliamentarians found themselves and, that is, behind bars. It seems to me that if we do not recognize that we are our brothers' and sisters' keeper, that our freedoms and theirs are in some way connected, we will invite the kind of terrorism that Saddam Hussein practices on his people and others practice on their people throughout this world.

□ 1430

Let me agree with him, however, in part. Let us stop giving money to the Turks as long as they repress their peo-

ple. Let us stop giving money to the Indonesian Government that takes away the religious freedoms of the people of East Timor. Let us stop supporting dictators that deny the basic human rights of their people.

I believe that we attempt very strongly to be consistent. We passed nine bills dealing with China. Those bills do have a potential, particularly the one on Radio Free Asia that will broadcast to China and Tibet and North Korea and Burma. I think we have a potential for positively impacting their society.

Let us never give up our ideals and our beliefs in human freedom, the very foundation of this society, because we might see a little inconsistency or cannot find the exact words we want to give us authority. The authority is moral authority, and it has a great power in this world if only we will exercise it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 137.

The question was taken.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question *de novo* on the motion to suspend the rules on which further proceedings were postponed earlier today.

ESTABLISHMENT OF 2,500 BOYS AND GIRLS CLUBS BEFORE 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1753, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1753, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 476) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2) and inserting the following:

“(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 1999.”

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking subsection (c) and inserting the following:

“(c) ESTABLISHMENT.—

“(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

“(2) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

“(A) includes a long-term strategy to establish 1,000 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

“(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

“(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

“(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued.”

(c) ROLE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

“(f) **ROLE MODEL GRANTS.**—Of amounts made available under subsection (e) for any fiscal year—

“(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program; and

“(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).”

MOTION OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCCOLLUM moves to strike out all after the enacting clause of Senate 476 and insert in lieu thereof the provisions of H.R. 1753, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1753) was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. MCCOLLUM. Mr. Speaker, pursuant to H. Res. 314, the following suspensions are expected to be considered today:

H.R. 3034, the Customs User Fees;

H.R. 3037, Children of Vietnamese Reducation Camp Internees;

And H.R. 2796, Reimbursing Bosnian Troops For Out-Of-Pocket Expenses.

CONGRATULATING ASSOCIATION OF SOUTH EAST ASIAN NATIONS ON ITS 30TH ANNIVERSARY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 282) congratulating the Association of South East Asian Nations [ASEAN] on the occasion of its 30th anniversary.

The Clerk read as follows:

H. RES. 282

Whereas 1997 marks the 30th anniversary of the Association of South East Asian Nations (ASEAN);

Whereas the emphasis of ASEAN on cooperation and the nonviolent settlement of disputes has helped to bring peace between the nations of the region which for decades had been characterized by instability and conflict;

Whereas the economies of the member nations of ASEAN have experienced significant economic growth benefiting the lives of many of their people;

Whereas ASEAN as a group is the 4th largest trading partner of the United States and constitutes a larger market for United States exports than the People's Republic of China, Taiwan, and Hong Kong combined;

Whereas ASEAN has successfully fostered a sense of community among its member nations despite differing interests, including the establishment of the region's only security forum, the Association of South East

Asian Nations Regional Forum (ARF), and the Association of South East Asian Nations Free Trade Area (AFTA);

Whereas ASEAN has played a pivotal role in international efforts of global and regional concern, including securing the withdrawal of Vietnamese forces from Cambodia and diplomatic efforts to foster a political settlement to the civil war in Cambodia;

Whereas the United States relies on ASEAN as a partner in fostering regional stability, enhancing prosperity, and promoting peace; and

Whereas the 30th anniversary of the formation of ASEAN offers an opportunity for the United States and the nations of ASEAN to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Association of South East Asian Nations (ASEAN) and its member nations on the occasion of its 30th anniversary;

(2) looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the benefit of the people of the United States and the nations of ASEAN;

(3) encourages progress by ASEAN members toward the further development of democracy, respect for human rights, enhancement of the rule of law, and the expansion of market economies; and

(4) recognizes the past achievements of ASEAN and pledges its support to work closely with ASEAN as both the United States and the nations of ASEAN face current and future regional and global challenges.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to have had the opportunity to bring to the floor this measure congratulating the Association of South East Asian Nations, known as ASEAN, on the occasion of their 30th anniversary.

The ASEAN organization has a lot to be proud of. Its emphasis on cooperation and a nonviolent settlement of disputes has fostered peace among its members in a region of the world which has long been wrought with instability and conflict.

The United States has important strategic, economic, and political interests at stake in Southeast Asia. Maintaining stability remains an overriding U.S. security interest in the region. Instability would not only threat-

en significant U.S. economic interests but could also undermine important U.S. political relationships.

ASEAN's Regional Forum [ARF], the region's only security consultative platform, is a key partner of the United States in maintaining regional stability. The ASEAN countries provide our Nation with significant commercial opportunities. ASEAN as a group is the fourth largest trading partner of the United States and constitutes a larger market for U.S. exports than does the People's Republic of China, Taiwan, and Hong Kong combined.

The Congress rightfully has expressed its concern about the development of human rights and democracy in the nations of ASEAN but is pleased with the flourishing of democracy in Thailand and the Philippines. It is hoped these examples are going to encourage progress by the other nations of ASEAN and the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the mutual benefit of the people of the United States and the nations of ASEAN.

In closing, I want to thank for their support the distinguished ranking minority member, the gentleman from Indiana [Mr. HAMILTON]; the distinguished chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska [Mr. BEREUTER]; and the subcommittee's ranking minority member, the gentleman from California [Mr. BERMAN]; as well as another gentleman who has had strong interest in this matter, the gentleman from American Samoa [Mr. FALOMAVAEGA].

I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would echo the remarks of the chairman, the gentleman from New York [Mr. GILMAN], particularly as it pertains to the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from American Samoa [Mr. FALOMAVAEGA], and those of us that serve on the Subcommittee on Asia and the Pacific.

Mr. Speaker, I am one of the authors of this resolution, as is the ranking member, the gentleman from Indiana [Mr. HAMILTON], and I urge my colleagues to join the gentleman from New York [Mr. GILMAN] and those of us on the Democratic side in supporting its adoption.

Some 32 years ago, a handful of underdeveloped and not very influential Southeast Asian countries banded together to create the Association of

South East Asian Nations, or ASEAN. I dare say that at the time of ASEAN's founding in 1967, not even the most optimistic would have guessed how far the ASEAN nations would have traveled down the road of economic development.

It is true that in a number of instances political reform has lagged behind economic development, but I remain confident, as do my colleagues, that political pluralism and full-fledged democracy will one day prevail throughout the region.

Today, ASEAN has established itself as one of the premier regional groupings in the world. It has also shown itself to be a good friend of the United States. It deserves our accommodation on its 30th anniversary, and I urge adoption of this resolution as a gesture of friendship and support.

Mr. Speaker, I reserve the balance of our time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], the distinguished vice chairman of our committee.

Mr. BEREUTER. Mr. Speaker, I do rise as a cosponsor in strong support of H. Res. 282, a resolution congratulating ASEAN on the occasion of its 30th anniversary of creation.

I would, however, like to take a few minutes here or a part of a minute or so to speak extemporaneously on what took place on this floor just a minute or two ago when we were debating an Iraqi resolution. I would have requested time if I had known what was going to be said in some of the closing comments of that debate.

What we say and what we do on this floor on international relations does matter, and we ought to be careful with what we say to make sure it is accurate.

Now it was said a few minutes ago, in some hyperbole no doubt, that the U.S. taxpayer stands behind tens of billions of dollars of assistance to Indonesia. That is not factual. There is a standby allocation to assist with the financial problems and the currency exchange rates in Indonesia. The U.S. is willing to be a backup to the IMF, but it is nothing approaching that amount, and perhaps that backup will not be used.

We also heard a lot of rhetoric here about evenhandedness when it comes to Turkey and the Kurds and Iraq. Well, we also might have said we need evenhandedness when it comes to terrorist organizations like the PKK, and I think it is inappropriate for us to demonize countries unless the facts are on our side.

Now one of the gentleman here misunderstands the situation in East Timor. There are problems in East Timor, alleged human rights violations, and certainly there are human rights violations, and there has been violence on both sides on that issue.

This has been a major source of contention and conflict since the Portuguese walked away from that colony of East Timor and the Indonesians came in.

But the problem is not that people cannot practice their religion in Indonesia. That is not the problem, as was suggested out here. So it is important that we not demonize countries for things that are not true. We should not be demonizing countries at all, and when we have a legitimate reason for criticism, we should exercise that criticism.

Now back to the ASEAN resolution. This Member would congratulate the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for his leadership demonstrated on recognizing the increasing significance of this important multilateral organization. Through his authorship of the resolution as the chairman of the Subcommittee on Asia and the Pacific, I was pleased to expedite consideration of this resolution.

Over the last three decades, ASEAN has emerged into a critically important security institution in Southeast Asia. Originally created as a means to respond to the threat of Vietnamese expansionism, it is now an umbrella organization where all of Southeast Asia, including Vietnam, can eventually work together to promote their common interests, and most of the countries now are members in Southeast Asia. Cambodia is not yet because of what happened there in what can only be called legitimately a coup.

ASEAN has had an important role in promoting a peaceful resolution to the Spratly Islands crisis and has brought significant pressure to bear regarding the ongoing crisis in Cambodia.

This Member would also note that the United States, Russia, the People's Republic of China, and other countries interested in Asian security, and I could have mentioned Japan, have been able to work constructively through the ASEAN Regional Forum, or the ARF. While ASEAN certainly has a significant challenge as authoritarian governments are brought into that organization, we can also hope and push for the Vietnamese, the Laotians, the Burmese. Their association with the ASEAN will have a democratizing effect on these one-party states.

While the State Department does not, as a rule, take a position on such nonbinding resolutions like this one, this Member would note the gentleman from New York worked very closely with the State Department and the minority to ensure unanimous support for H. Res. 282.

His success in this effort has been demonstrated by the fact that the distinguished ranking Democrat on the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], and the distinguished ranking

Democrat on the Subcommittee on the Asian Pacific, the gentleman from California [Mr. BERMAN], are cosponsors of this resolution, and it was unanimously approved by the Committee on International Relations on October 31, 1997. This Member is also pleased to be a cosponsor.

Mr. Speaker, this Member once again congratulates the gentleman from New York and urges adoption of H. Res. 282.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, does the gentleman from Nebraska have additional speakers?

Mr. BEREUTER. I have one more speaker.

Mr. HASTINGS of Florida. Then, Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Speaker, I rise in strong support of this amendment.

Mr. Speaker, ASEAN has proven a great example for developing countries around the world. It was not that long ago, in fact 30 years ago, when these same countries which we laud today for their 30th anniversary were the ultimate in developing countries. They were no different than the developing countries in Africa and in Latin America and elsewhere.

Yet these countries, through a strong support for the economic rights of their people, at the very least the economic rights of their people, have shown that free enterprise and a respect for property rights will indeed bring a fountain of wealth and well-being for the people of the societies that so respect those rights.

□ 1445

ASEAN as well, I might add, has been a force for democracy, although the Members of ASEAN, all of the Members are not, of course, totally democratic. But let us take a look at the fact that the Philippines today has evolved from a country that was in a dictatorship for a number of decades, and now has a strong and vibrant economic situation where they are growing at 5 and 6 percent a year, as well as a strong democracy, along with Thailand whose democracy has been put to the maximum stress, but yet has maintained a slow but, yes, steady pace toward a more open and democratic society. These two countries serve as an example for all of Southeast Asia and, yes, serve as an example for all the countries in the developing world.

Today, many countries in ASEAN, especially Thailand, are going through, but as well as the other countries of ASEAN, are going through an economic crisis, a crisis dealing with their money system. They are learning a lot

through this crisis. We would like this amendment today, our expression of good will toward the countries of ASEAN and congratulations, comes at a unique moment for the United States to let these countries know that we consider them our friends, we consider them our partners, we consider them to be people who in the future will have even stronger and closer ties to the United States of America.

So I rise in strong support and ask my colleagues to join me in support of this proposal and this amendment.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from California for his timely and cogent remarks. I urge support for House Resolution 282.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, H.Res. 282.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SHOWING COMMITMENT OF AMERICAN PEOPLE IN SUPPORT OF DEMOCRACY AND RELIGIOUS AND ECONOMIC FREEDOM FOR PEOPLE OF SOCIALIST REPUBLIC OF VIETNAM

Mr. ROHRBACHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 231) urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam, as amended.

The Clerk read as follows:

H. RES. 231

Whereas the Department of State Country Reports on Human Rights Practices for 1996 notes that the Government of the Socialist Republic of Vietnam "denied citizens the right to change their government and significantly restricted freedom of speech, the press, assembly, association, privacy, and religion";

Whereas, since May 1997, non-violent demonstrations against corruption and abuse of power at the local level have occurred in Thai Binh Province and perhaps in Thanh Hoa, Hung Yen, Nghe An, and Bien Hoa provinces as well;

Whereas the criminal law of the Socialist Republic of Vietnam is used to punish individuals who are critical of the government, and on April 14, 1997, an administrative decree was signed into law granting enhanced judicial powers to the security forces to place under house arrest or subject to reeducation camps, for up to two years, any civilians expected of "endangering national security";

Whereas the leaders of the Socialist Republic of Vietnam are seeking to expand trade relations with the United States;

Whereas there is widespread discontent within the foreign business community in the Socialist Republic of Vietnam, with some companies pulling out entirely, others freezing new investments, and nearly all complaining about endemic corruption, intransigent bureaucracy, and a lack of clear commitment to legitimate economic reform;

Whereas, in August 1997, the United Nations Children's Fund (UNICEF) reported that child labor exploitation is on the rise in the Socialist Republic of Vietnam with tens of thousands of children under 15 years of age being exploited for labor; and

Whereas it is in the interest of the United States to promote political and economic freedom throughout the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the Government of the Socialist Republic of Vietnam to release immediately and unconditionally all political prisoners, including Dr. Nguyen Dan Que, Prof. Doan Viet Hoat, Venerable Thich Quang Do, Reverend Pham Minh Tri, and evangelist To Dinh Trung, with full restoration of their civil and human rights;

(2) requests the President to make clear to the leadership of the Government of the Socialist Republic of Vietnam—

(A) the firm commitment of the American people to political and religious and economic freedom for the people of the Socialist Republic of Vietnam; and

(B) the United States fully expects equal protection under the law to all Vietnamese, regardless of religious belief, political philosophy, or previous association; and

(3) urges the Government of the Socialist Republic of Vietnam—

(A) to permit all political organizations in the Socialist Republic of Vietnam to function without intimidation or harassment; and

(B) to announce a framework and timetable for free and fair elections that will allow the Vietnamese people to peacefully choose their local and national leaders.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRBACHER] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRBACHER].

GENERAL LEAVE

Mr. ROHRBACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 231.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRBACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this past Tuesday, on our Veterans Day, Vietnamese Communist Party officials in Hanoi confirmed that in the southern province of Dong Nai, 40 miles from Saigon, several thousand people have been involved with clashes, in clashes, with police. Hundreds of women and children have been demonstrating for freedom and human rights outside of government offices, despite a heavily armed police presence in the area.

By all accounts, including a report by the Human Rights Watch organization, the clashes started when the Communist Government intensified repression against the Catholic Church and the popular bishop of the Xuan Loc Diocese. In addition, land owned by the church has been confiscated and sold by corrupt Communist Party officials.

Demonstrations against the corrupt Communist regime have also been occurring in other areas of the country. In north Vietnam, beginning in May of this year, ongoing demonstrations in the Thai Binh Province and a number of other historic Communist Party strongholds show growing public dissatisfaction with the rampant corruption of that country and the lack of freedom of the Vietnamese people.

Recently, new directives and proclamations by the Communist Politburo have tightened State control of all other forms of media and have restricted access to foreign journalists and their translators. The Human Rights Watch/Asia report states, while the Vietnamese Government pursues an open door in terms of their economic policy and continues to woo foreign investments, domestically it is strengthening Communist Party control, repressing dissent, and stifling any development of a civil society.

This resolution urges the President to "make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam."

This resolution calls attention to the proliferation of human rights violations and new policies by the Communist regime that prohibit the 70 million people of Vietnam from achieving a democratic government through free and fair elections. It expresses the strong support of the House of Representatives in support of the rights of all Vietnamese, as well as for the release of all religious and political prisoners.

The resolution requests the release from detention of Robert F. Kennedy Human Rights Award recipients Dr. Win Dan Kway and Prof. Dwon Viet Hwat, as well as other senior religious leaders who have been imprisoned by the regime.

My resolution also calls attention to the difficulties that American business people are experiencing in Vietnam, caused by epidemic corruption, and that is exactly what we must expect in a one-party State, as well as the intransigent bureaucracy and the absence of enforceable business law. Of course they are going to have corruption in that situation.

It is especially important at a time when Vietnamese leaders are seeking expanded trade relations with the United States that the President and the Congress make clear that, just as

our stock market made a strong rebound in recent days from that downturn we experienced, that the foundation of a strong, resilient economy is an open and democratic society.

It was not too long ago, Mr. Speaker, that people all over Asia were saying the next big jump in productivity, the next tiger in Southeast Asia, is going to be Vietnam. Now when you go to Southeast Asia and throughout the world and you ask people about Vietnam, they say it is never going to work, it never materialized, and it was a big nothing.

Why is this? Why that happened is because there is a relationship, I repeat again there is a relationship, between freedom and peace and between freedom, peace and prosperity.

In Vietnam, there was no freedom and there is no freedom. Thus, the prosperity that is desired by the people, and perhaps even by the Communist Party bosses themselves, is unobtainable. They cannot obtain prosperity as long as there is a lack of freedom, because without freedom of the press or an opposition party, corruption will run rampant.

Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, I would like to express my support for this resolution for which I am an original cosponsor. I would like to commend the work of my colleague, the gentleman from California [Mr. ROHRBACHER], on this resolution. This resolution has been well crafted by the Subcommittee on Asia and the Pacific, and we commend its chairman, the gentleman from Nebraska [Mr. BEREUTER], with us today, and basically this resolution enjoys the strong support of the Committee on International Relations.

It asks the administration to put pressure on Vietnam to improve its human rights record and move toward greater democracy. This is needed because while the Vietnamese Government has undertaken some economic reforms over the last few years, unfortunately it has not matched that record with political and human rights reforms.

As my colleagues have noted, too many Vietnamese suffer from political and religious persecution. Faced with that, the United States needs to take a stand. This is an important and timely resolution. It is all the more critical we keep the focus on human rights as the administration has seen fit to improve relations with Hanoi.

I believe this resolution reflects the democratic aspirations that the Vietnamese people have. It is a worthy resolution that deserves the support of this body.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. HAMILTON and those of us on the Democratic side support

this resolution, and I certainly do, and I commend my distinguished colleague and friend from California [Mr. ROHRBACHER] who is its principal author. This resolution restates our commitment to political, religious and economic freedom in Vietnam. It urges the Government of Vietnam to announce a framework and timetable for free and fair elections. It places the Congress of the United States squarely in support of political pluralism and personal freedom for the Vietnamese people.

I urge my colleagues to show their support for these worthy aspirations by voting for this resolution.

I will take a moment of personal parochial privilege to say that when this resolution is passed, and when the position of Congress and the executive branch of government are made known, much of the message will be carried by a former colleague of ours, Pete Peterson, who is from Florida, who not only understands the dynamics of being a prisoner, not only political, but a prisoner of war, and as Ambassador to Vietnam, I am certainly glad Pete is going to be there to help state our position.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, the gentleman is understandably proud of the past performance and the current performance of our former colleague, the gentleman from Florida, Mr. Peterson, as our Ambassador, and I understand the Floridian pride in him, but I would like to also mention he received his elementary and high school education in Omaha, Nebraska.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRBACHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], a hero of the Vietnam War and a hero of mine, I might add.

Mr. CUNNINGHAM. Mr. Speaker, I would make one correction: There is no such word as "hero." You do what you have to do, and try to survive.

I rise in support of this resolution. One of the most victorious things I think that has ever happened to me is we sponsor an art contest, like many of the Members. A young lady named Foo Lee, a Vietnamese refugee, won that contest. I found out that her mom had actually had to stay back while the whole family escaped in the boat, in a rickety old boat, which the picture was about. If you could see the picture, you would actually have tears in your eyes. You could see the pain in that family.

It took us 2 years to get Foo Lee's mom out of a reeducation camp in Vietnam. She stayed behind, knowing that if the rest of the family was caught, they would be put into this reeducation camp, and not many people survive.

After 2 years, on Christmas Eve, Foo Lee's mom came into San Diego. That is the kind of treatment that you can expect in Vietnam.

I commend Pete Peterson, who asked me to come over just a couple months ago and raise the American flag over Ho Chi Minh City for the first time in many years, in about 25 years. Pete and I and a delegation did so with Hal Rogers.

I want to tell you something. They are moving forward. As a matter of fact, I told the President of the Philippines this, that they are studying English. You see people on bicycles, carrying computers, they are studying economics, and they are going to move. Yet they are still repressed. It is still a Communist regime.

For example, there are over 39 Americans in prison there. Our State Department cannot even be present while they are convicted and going through court. I don't know how many of you recently saw Richard Gere in the current movie in China. That is the type of environment that they still have.

So this resolution is very, very important, I think, to send a clear message. We must engage, just like we do with China and Russia, but we need to send a loud and clear message.

Mr. ROHRBACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], and thank the gentleman from California [Mr. CUNNINGHAM], who still remains my hero.

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Mr. BEREUTER. Mr. Speaker, I do rise in strong support of H. Res. 231. I will be brief. I want to congratulate the gentleman from California [Mr. ROHRBACHER] for his exceptional and dogged pursuit of human rights and economic freedom in Vietnam, and I am pleased to help expedite his resolution here.

The resolution correctly notes that several provinces in Vietnam have experienced anticorruption protests in recent months, a phenomenon that is quite remarkable for Vietnam. This Member would suggest that these protests should be considered to be a good sign by Americans, for it is clear that a great many Vietnamese people have had enough of corrupt local bureaucrats siphoning off the wealth of the nation.

This Member has also been informed that the protests have been sufficient to force the national government to deal with some of those corrupt officials. Certainly it will make it easier for U.S. businessmen to operate in Vietnam, and that is important, for this Member has heard several reports of numerous horror stories from U.S. business leaders about corruption in that country.

The resolution of the gentleman from California [Mr. ROHRBACHER] rightly

reaffirms U.S. support for political, religious and economic freedom in Vietnam and calls upon the government to permit free and fair elections where competing political parties are allowed to participate. These are basic freedoms that we can all support and we do support.

Mr. Speaker, I urge adoption of H. Res. 231.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. ROHRBACHER. Mr. Speaker, I yield myself 1 minute, just to summarize what this is all about.

I think if someone was paying attention to the last several resolutions that have come to the floor, one will note that there is a relationship between them, and that is, since the end of the cold war and during the cold war, our country had its divisions and they reflected themselves within the political battles that were going on throughout our country during the elections, various elections that took place. But since the end of the cold war, there has been a unanimity of opinion in the United States and a coming together of both conservatives and liberals, of Republican and Democrat, behind those traditional values that our Founding Fathers wanted to be the basis of our decisionmaking.

We are supposed to be on the side of the good guys. I mean, it is as simple as that. We should be on the side of the good guys. We should be on the side of the oppressed and those people who want more freedom and democracy and to treat people honestly and decently, and against the tyrants and the thugs of this world.

Mr. Speaker, this resolution goes to the heart of that. Whether it is Saddam Hussein or the dictatorship in Vietnam, we are on the side of democracy and human rights.

I would ask my colleagues to join me in support of this resolution.

Mr. DAVIS of Virginia. Mr. Speaker, I rise to voice my strong support for House Resolution 231, the sense of Congress regarding Vietnam, which urges the President to make clear to the Socialist Republic of Vietnam that we are committed to economic, religious, and political freedom for the people of Vietnam. As you know, the United States continues to open diplomatic relations with Vietnam. Because of the growing relationship the United States has with Vietnam, we must be concerned with its poor human rights record.

May 9, 1997 was the third anniversary of Vietnam Human Rights Day here in the United States. However, current human rights' conditions in Vietnam are poor. For example, religious leaders and political dissidents are still being arrested and jailed. Dr. Doan Viet Hoat and Dr. Nguyen Dan Que are two, among many political prisoners with serious medical conditions who are held in harsh conditions with little, if any, access to medical care.

Despite prohibitions on physical abuse, there is evidence that security officials beat

detainees as well as use threats and other psychological coercion to elicit false confessions. The Vietnamese Government denies citizens the right to change their government and significantly restricts freedom of speech, the press, assembly, association, privacy, and religion. Vietnamese citizens are generally prohibited from contacting international human rights organizations.

Vietnam is currently negotiating a trade agreement with our Government to seek MFN status and privileges associated with Overseas Private Investment Corporation [OPIC]. In January 1997, the United States and Vietnam agreed on implementing the resettlement opportunity for Vietnamese returnees program allowing the United States to interview some of the Vietnamese returned from camps in Southeast Asia. However, this is not enough.

Child labor and human rights abuses are on the rise as well as the suppression of freedom of thought, speech, religion, press, and assembly. The Vietnamese-American community in my congressional district supports House Resolution 231. We believe that fair and open democratic elections, equal protection of all Vietnamese citizens, and the release of all political prisoners are basic and necessary steps beyond normalization.

Since this resolution is crucial to these objectives, I urge all of my colleagues to support House Resolution 231.

Mr. GILMAN. Mr. Speaker, I want to thank Mr. ROHRBACHER for introducing this resolution urging the President to make it clear to the Socialist Republic of Vietnam that America is committed to democracy, economic and religious freedom for the people of Vietnam.

Freedom is not bound by history or geography. Just as our forefathers said, people have certain inalienable rights. Democracy and basic civil liberties are not eastern or western—they are universal.

Regrettably, today, the people of Vietnam are not afforded these basic liberties. This Nation has a moral imperative to foster freedom and democracy and oppose tyranny wherever it appears—this legislation expresses that sentiment.

I support this resolution and call upon my colleagues to do so as well.

Mr. ROHRBACHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. ROHRBACHER] that the House suspend the rules and agree to the resolution, House Resolution 231, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING MONGOLIA

Mr. BERREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 172) expressing the sense of Congress in support of efforts to foster friendship and

cooperation between the United States and Mongolia, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 172

Whereas in 1990, Mongolia renounced the Communist form of government and peacefully adopted a series of changes that linked economic development with democratic political reforms;

Whereas the Mongolian people have held 2 presidential elections and 3 parliamentary elections since 1990, all featuring vigorous campaigns by candidates from multiple political parties;

Whereas these elections have been free from violence, voter intimidation, and ballot irregularities, and the peaceful transfer of power from one Mongolian government to another has been successfully completed, demonstrating Mongolia's commitment to peace, stability, and the rule of law;

Whereas every Mongolian government since the end of communism has dedicated itself to promoting and protecting individual freedoms, the rule of law, respect for human rights, freedom of the press, and the principle of self-government, demonstrating that Mongolia is consolidating democratic gains and moving to institutionalize democratic processes;

Whereas Mongolia stands apart as one of the few countries in Asia that is truly a fully functioning democracy; its efforts to promote economic development through free market economic policies, while also promoting human rights and individual liberties, building democratic institutions, and protecting the environment, serve as a beacon to freethinking people throughout the region and the world;

Whereas Mongolia's commitment to democracy makes it a critical element in efforts to foster and maintain regional stability throughout central Asia;

Whereas Mongolia has some of the most pristine environments in the world, which provide habitats to plant and animal species that have been lost elsewhere, and has shown a strong desire to protect its environment through the Biodiversity Conservation Action Plan while moving forward with economic development, thus serving as a model for developing nations in the region and throughout the world;

Whereas Mongolia has established civilian control of the military—a hallmark of democratic nations—and is now working with the Mongolian parliamentary and military leaders, through the United States International Military Education and Training program, to further develop oversight of the military;

Whereas Mongolia is seeking to develop political and military relationships with neighboring countries as a means of enhancing regional stability; and

Whereas Mongolia has demonstrated a strong commitment to the same ideals that the United States stands for as a nation, and has indicated a strong desire to deepen and strengthen its relationship with the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress—

(A) supports the efforts of the Mongolian parliament to establish "United States-Mongolian Friendship Day";

(B) strongly supports efforts by the United States and Mongolia to use the resources of their respective countries to strengthen political, economic, educational, and cultural ties between the 2 countries;

(C) confirms the support of the United States for an independent, sovereign, secure, and democratic Mongolia;

(D) applauds and encourages Mongolia's simultaneous efforts to develop its democratic and free market institutions;

(E) commends Mongolia for its foresight in environmental protection through the Biodiversity Conservation Action Plan and encourages Mongolia to obtain the goals illustrated in this plan;

(F) encourages Mongolia's efforts toward economic development that is compatible with environmental protection and supports an exchange of ideas and information between Mongolian and United States scientists;

(G) commends Mongolia's efforts to strengthen civilian control, through parliamentary oversight, over the military; and

(H) supports future contacts between the United States and Mongolia in such a manner as will benefit the parliamentary, judicial, and political institutions of Mongolia, particularly through the creation of an interparliamentary exchange between the Congress of the United States and the Mongolian parliament; and

(2) it is the sense of the Congress that the President—

(A) should, both through the vote of the United States in international financial institutions and in the administration of the bilateral assistance programs of the United States, such as the Central Asian Enterprise Fund, support Mongolia in its efforts to expand economic opportunity through free market structures and policies;

(B) should assist Mongolia in its efforts to integrate itself into international economic structures, such as the World Trade Organization; and

(C) should promote efforts to increase commercial investment in Mongolia by United States businesses and should promote policies which will increase economic cooperation and development between the United States and Mongolia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 172, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 172 was introduced on October 22 by the distinguished gentleman from Illinois [Mr. PORTER] together with the distinguished gentleman from California [Mr. DREIER], and a second distinguished gentleman from California [Mr. LANTOS].

This resolution commends the people of Mongolia for the remarkable progress that country has made since 1990, and as chairman of the Sub-

committee on Asia and the Pacific, I was pleased to expedite this resolution. This Member also authorized a congratulatory resolution on Mongolia which was approved by the previous Congress.

Mongolia has indeed made great strides from a one-party Communist country with a command economy to a multiparty, free market democracy. In the last 7 years Mongolia has also freed itself from Soviet domination. Within a year from the fall of the Berlin Wall, the popularly elected Mongolia legislature, whose election we are commemorating in this resolution, enacted a new constitution which declared Mongolia an independent, sovereign republic with guaranteed civil rights and freedoms. These changes were not only dramatic in scope and speed, they were also accomplished without firing a shot and with little concrete support from the outside world.

Mongolia's accomplishments are worthy of congressional commendation, and that is the major thrust of H. Con. Res. 172.

The Committee on International Relations, to which this resolution was referred, unanimously approved this resolution on October 31. The committee did make a number of minor alterations to the resolution, the most notable being language supporting Mongolia's membership in NATO's Partnership for Peace, which the Department of Defense indicates is not feasible.

Mr. Speaker, while the State Department does not make a habit of formally taking a position on non-controversial resolutions such as the one before the body at this time, we have been assured that this resolution fully conforms with U.S. policy and has the administration's support.

Mr. Speaker, again I congratulate these gentlemen for bringing this to our attention. We need to take time to recognize particular successes among our friends and allies and not just focus on negative things. This Member would urge approval of this congratulatory resolution for a Nation that has taken extraordinary strides.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations for expediting this particular resolution, as he has on so many occasions on other very important legislation that has been brought before this body.

Mr. Speaker, this resolution recognizes the remarkable political evolution Mongolia has undergone over the past 7 years. The principal author of this matter, the gentleman from Illinois [Mr. PORTER] is to be commended,

as well as our colleagues, the gentleman from California [Mr. DREIER], and the gentleman from California [Mr. LANTOS], who are also original cosponsors.

It clearly states, this resolution does, the desire of the United States Congress for further cooperation and friendship between our two countries. This resolution deserves our support. The gentleman from Indiana [Mr. HAMILTON], our ranking member, intends to vote "yes" on this resolution, as do I, and I urge our colleagues to do likewise.

One aside, Mr. Speaker. I would urge all of our colleagues, in consideration of matters as important as this relationship and others, that we begin as often as we can visiting these locales so that we can learn firsthand exactly what is needed for us to maintain our friendship and to make our friendships grow around the world.

Mr. PORTER. Mr. Speaker, I want to thank the chairman of the subcommittee, Mr. BEREUTER, for his assistance in reporting this resolution out of the full committee, and for his strong support of Mongolia. I would also like to thank Mr. DREIER and Mr. LANTOS for their support of this resolution as original cosponsors.

Too often, we come to the floor of the House to criticize other countries for what we see as their failure to live up to our standards in the areas of human rights, economic freedom, or environmental protection. Today, however, we are coming to the floor to celebrate a success story—the country of Mongolia. I am pleased to be a part of this positive message of affirmation that we are sending to one of the greatest, but most often overlooked success stories to come out of the end of the Soviet Empire.

The first democratic elections were only held in Mongolia in 1990, but this country has made remarkable progress in implementing democratic reforms while improving their economy, promoting human rights and protecting their vast and unique environment. In just 7 years, the people of Mongolia have rejected one-party rule, elected a new President firmly established civilian control over the military, and gained economic freedom. This transition—conducted in a peaceful manner—has proven to be a rarity, especially in this area of the world.

Mongolians are very positively disposed towards the United States and have modeled many of their democratic reforms on the United States system. This past June, the new prime minister ran on a platform titled, "the Contract with the Mongolian Voter." The Mongolian Government considers their transition to be very similar to our settling of the West. The Mongolian nomads—which make up 40 percent of the population—are not unlike the American cowboys. They cherish their freedom but are eager to benefit from the economic reforms that are gradually being implemented.

The Mongolian Government places a high priority on its relationship with the United States and is eager to be our partner in Northern and Central Asia, an area where we

democratic, free and stable partners are hard to find. Moreover, as Mongolia gains confidence in its own voice within the region, they are seeking to prove that democracy, freedom, and human rights are universal values, and that Asian countries can promote these values and economic growth at the same time. The United States could look for no better role model for the region, or no better partner in the region than a country which has committed itself to the values that we promote as a nation.

With this resolution, the United States is recognizing the Mongolian people and their government for their unparalleled achievements in establishing a democracy. We are also encouraging them to continue to follow through with many of the proposed reforms. The next 5 years will be a critical period in Mongolian as the social costs of economic and political reform begin to take a heavy toll on some segments of the population. We must help Mongolia to stay the course on democratic self-government and free market economics through the difficult times ahead.

As the Mongolian Government charges ahead with economic reforms, they have not neglected their environment. Because of their small population relative to their land mass, Mongolia consists of some of the most pristine ecosystems in the world. The Mongolian Government has recognized this tremendous asset and has approved many environmental regulations to continue to protect these ecosystems. Specifically, the previous regime pledged to preserve 30 percent of Mongolia as a national park under the Biodiversity Conservation Action Plan. While this pledge may prove difficult to keep while progressing with economic reforms, the new government has committed to adhere to this pledge. With this resolution, the United States applauds the Mongolian Government's foresight and encourages them to continue to promote economic development without sacrificing their rich environment.

Nestled between China and Russia, with a population the size of Philadelphia and a land mass one-third the size of the United States, Mongolia will continue to be an important global partner for the United States. In light of the tremendous reforms that have been achieved in the first 7 years, the United States congratulates Mongolia on its recent successes and looks forward to increasing cooperation with the Mongolian Government and people on democratic, economic, and environmental programs.

Mr. GILMAN. Mr. Speaker, Mongolia is a shining beacon of hope for those people who are still living under repressive governments around the world. Mongolia is isolated, its population is small, its resources are limited but it has enthusiastically embraced political and economic reforms that would challenge any highly industrialized nation. Its government is also aggressively trying to preserve its environment and strengthen its parliamentary and judicial system.

We need to do all we can to ensure that Mongolia is successful and I urge my colleagues to support this resolution.

I appreciate the efforts of our colleague from Illinois [Mr. PORTER] the sponsor of the bill and the distinguished cochairman of the Human Rights Caucus, and also thank the manager of the resolution, the distinguished Chairman of the Asia and the Pacific Subcommittee, the gentleman from Nebraska [Mr. BEREUTER] as well as his subcommittee's ranking member, the gentleman from California [Mr. BERMAN]. Accordingly, I again urge support for this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge support of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 172, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONCERNING THE SITUATION IN KENYA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 130) concerning the situation in Kenya.

The Clerk read as follows:

H. CON. RES. 130

Whereas on July 7, a large and violent confrontation occurred in Kenya when police stormed Nairobi's All-Saints Cathedral and attacked those present at a prayer meeting;

Whereas prodemocracy activists throughout Kenya have demonstrated in favor of reform of Kenya's constitution and the repeal of repressive colonial laws;

Whereas the bloody suppression of the constitutional reform rallies, the disruptive behavior of some demonstrators, and the recent ethnic confrontations in Kenya's Coast Province have jeopardized both the safety and the political rights of average Kenyans;

Whereas the Government of Kenya has continued to disrupt opposition rallies and meetings even after pledging to take a more tolerant approach to them in late July;

Whereas these events led to the consideration in early September of a package of democratic reforms by members of parliament representing the government and the opposition, but not including representatives of Kenyan civil society;

Whereas it remains unclear whether long-discussed political reforms can be effectively implemented in the time remaining before anticipated elections in 1997; and

Whereas colonial laws have given Kenyan President Daniel Arap Moi sweeping powers to suppress political opponents and thwart reform throughout his 19-year rule: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and commends those Kenyans who have demonstrated their love of peace, law, and order;

(2) condemns those who are inciting others to violence, looting, and destroying property;

(3) urges an immediate cessation to the violence in Kenya;

(4) urges the Government of Kenya to take all necessary and lawful steps to avoid more violence in the future;

(5) recognizes President Moi's response to domestic and international pressure to allow meaningful constitutional and legal electoral process reform through the current package of legislation agreed to by the ruling party and opposition party representatives;

(6) calls for the prodemocracy movement to remain unified in working toward implementing constitutional, statutory, and administrative reforms;

(7) urges rapid progress toward conducting free and fair elections; and

(8) urges the United States Government and the international community to continue to work with all parties to encourage the Government of Kenya to ensure a lasting and committed transition to democracy, including an immediate review of the propriety of the time of the next elections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 130, the matter now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the gentleman from Florida [Mr. HASTINGS] introduced this resolution last July, I felt it was timely and much needed, given the violence that prodemocracy demonstrators experienced at the hands of the Kenyan police. Since that time, after the Subcommittee on Asia and the Pacific held a hearing, the gentleman from Florida [Mr. HASTINGS] updated this resolution so that it is relevant for the situation existing today. This includes the recent announcement that elections will be held in Kenya on December 28.

Despite the recent actions by the Kenyan Parliament to put in place legal reforms to the electoral process, there are serious doubts about the Government's willingness to honor its commitments. Last July, President Moi promised to allow opposition political party meetings without permits. Since then, even opposition events with permits have been disrupted. This reform is supposed to allow for political parties to be registered, but the

Safina Party still has not been registered nearly 2 years after applying for approval.

In short, the Kenyan Government has shown little commitment to follow through on its promises to implement democratic reforms. This is why this resolution is so important. The U.S. Government must be on record as strongly encouraging genuine reform. We also must firmly oppose the violence threatened in advance of the December elections.

This resolution is balanced, and it will be noted in Kenya. The Kenyan Government takes notice of what the United States Government thinks about its actions. Kenya is too important to east Africa and too important to the continent for the United States to stand by without supporting true reform. If we do not stand firm in opposition to electoral violence and vote fraud, a bad election could produce chaos in what has been an island of stability in east Africa.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this resolution today in response to the ongoing violence in Kenya that has just been talked about by our distinguished Chair of the Subcommittee on Africa, the gentleman from California [Mr. ROYCE], and I want to thank the chairman of the Subcommittee on Asia and the Pacific [Mr. BEREUTER], as well as other members, not only for their expeditious handling of this matter, but their conscientious and expeditious handling of matters as they have arisen on the African Continent.

In the absence of a genuine commitment to democracy, we have seen violence be established in Kenya. This resolution calls on President Moi, the ruling party, opposition leaders, and protestors, to immediately cease all violence and pursue the constitutional and legal reforms necessary to bring Kenya from a colonial outpost to a multiparty democracy.

On Monday, November 12, 1997, President Moi dissolved parliament after they passed three reform bills which would have paved the way for general elections, as spoken about a moment ago by the gentleman from California [Mr. ROYCE]. These reforms repeal laws restricting freedom of speech and assembly, give opposition parties greater representation on the electoral commission, and establish a multiparty commission to review the constitution after the elections.

Quite frankly, I am outraged that President Moi unilaterally dissolved the parliament because it was clearly moving in a direction he had found threatening. This action is unacceptable and must not be ignored by the international community.

Mr. Speaker, I would also like to thank the ranking member of the Subcommittee on Asia and the Pacific for his continuing diligence, not only with reference to this particular matter but others that will be spoken about later today, as well as on a continuing basis.

To sum up, my resolution lets the Kenyan people know that the United States is watching and expects progress from all quarters. Please join me in sending a message to all of the citizens of Kenya, especially those who have no voice in their governance, that their aspirations for democracy are attainable.

Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I want to thank first of all my colleague on the Subcommittee on Africa, the gentleman from Florida [Mr. HASTINGS]. He has been an articulate and thoughtful member of the committee and has added much to our debates, and I want to commend him on bringing this resolution, as well as the chairman, for all of the work we have done this year in a very bipartisan way, and to his credit, we commend him for the manner in which he has run the committee.

Mr. Speaker, Kenya is an important and strategic country in Africa, and it is unfortunate that our consideration of this resolution was prompted by the violence and political instability in Kenya. I am pleased to report that since the Subcommittee on Africa held hearings on the situation in Kenya in July, the situation has improved considerably. Just this past week President Moi made noted constitutional changes to allow more room for his political opposition, and just today the date for presidential and parliamentary elections was announced: December 29.

It is crucial at this juncture that the international community insist on continued progress on constitutional and legal reforms, on improvements in human rights, and on free, fair, and democratic elections. We cannot allow this opening for reform to close without cementing substantive changes.

President Moi needs to know that the United States and the international community will continue to watch his administration, even now that the violence has subsided, and that we will continue to press for real reforms which guarantee the Kenyan people access to and participation in their government.

□ 1515

That is what we are doing in this resolution. We are sending a message to President Moi, and on behalf of the Kenyan people, we hope that he is listening. I congratulate the gentleman from Florida [Mr. HASTINGS].

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, I ask my colleagues to support this resolution,

which makes an important statement on U.S. concern about possible violence in a country that has been and remains vital to American interests. It is particularly important for this House to make this statement now, since we are about to adjourn weeks before the Kenyan election will be held.

Mr. GILMAN. Mr. Speaker, I appreciate the leadership of the gentleman from California, Mr. ROYCE, the subcommittee chairman, for managing this resolution.

I would like to thank Mr. HASTINGS for introducing this resolution and directing the House's attention to the situation in Kenya.

As we all know, Kenya is expecting to have elections later this year or early next year, and there has already been a high-level of violence in Kenya in the run-up to the election.

On a positive note, the Kenyan parliament recently adopted a number of important legal and constitutional reforms. This action was made possible by brave advocacy of human rights and democracy by activity Kenyans.

These reforms offer the promise of a significant expansion of political activity in Kenya.

It is important that the Congress continues to express solidarity with those in Kenya who advocate democratic reforms and respect for human rights and civil rights. This resolution is an appropriate method to do that. Accordingly I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 130, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING MILITARY INTERVENTION BY THE GOVERNMENT OF THE REPUBLIC OF ANGOLA INTO THE REPUBLIC OF THE CONGO

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 273) condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 273

Whereas President Pascal Lissouba defeated former President Denis Sassou-Nguesso in a 1992 election in the Republic of the Congo that was determined to be free and fair;

Whereas in October 1997 troops of the Government of the Republic of Angola assisted in the capture of Pointe Noire, a city in the southern part of the Republic of the Congo;

Whereas the Government of Angola sent more than 1,000 troops into the Republic of the Congo from neighboring Cabinda, including a MIG-23 fighter and ground attack squadrons;

Whereas the Government of Angola provided military supplies and support to former President Denis Sassou-Nguesso to assist his efforts to unseat the democratically-elected President Pascal Lissouba;

Whereas the Lusaka Protocol of 1994 requires that the Government of Angola inform the United Nations Observer Mission in Angola (MONUA) of any troop movements;

Whereas the actions by Angola are a violation of Article 2 of the United Nations Charter which forbids member states from "the threat or use of force against the territorial integrity or political independence of any state";

Whereas the actions by Angola are a violation of Article III of the Organization of African Unity Charter which mandates "Respect for the sovereignty and territorial integrity of each State";

Whereas the United Nations Security Council has imposed travel and other sanctions on the National Union for the Total Independence of Angola (UNITA) for making insufficient progress in its commitments under the Lusaka Protocol, including demobilization of UNITA soldiers, the forfeiture of weapons to the United Nations, and the extension of state administration to regions under UNITA control;

Whereas this action by the United Nations Security Council comes shortly after the Government of Angola participated in the overthrow of a democratically elected government in the Republic of the Congo; and

Whereas the United Nations Security Council has failed to condemn this action by the Government of Angola: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the military intervention by the Government of the Republic of Angola into the Republic of the Congo;

(2) calls on the Government of Angola to immediately withdraw all military troops, supplies, and other assistance from the Republic of the Congo;

(3) encourages the United States Government to condemn the military intervention by the Government of Angola into the Republic of the Congo and its violation of the Lusaka Protocol, the United Nations Charter, and the Organization of African Unity Charter;

(4) urges the United States Government to withhold any military training and assistance to Angola until it ceases all military activities in the Republic of the Congo;

(5) expresses concern that the United States Government has sought to strengthen military ties with the Government of Angola in advance of the full implementation of the Lusaka Protocol and the creation of a meaningful role for former members of the National Union for the Total Independence of Angola (UNITA) in the Angolan military; and

(6) urges both the Government of Angola and UNITA to continue their commitments to the Lusaka Protocol and Angolan peace process despite the imposition of sanctions on UNITA by United Nations Security Council Resolutions 1127 (1997) and 1135 (1997).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE] and the gentleman from New Jersey [Mr. MENENDEZ] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution concerns the troubling situation that is made worse by Angola's armed intervention in the civil war in Congo, Brazzaville. The introduction of Angolan troops, armor, and aircraft tipped the balance of that civil war in favor of former President Dennis Sassou-Nguesso, who was inaugurated recently, despite having received no popular mandate for his return as President.

The Angolan intervention has resulted in the overthrow of the Government of President Pascal Lissouba, who was elected in that country's first multi-party election in 1992. Despite the end of the fighting, Congo-Brazzaville is no more stable today because of the Angolan intervention, and, indeed, it may be facing more turmoil in the coming weeks because of the imposition of an unpopular dictator who was overwhelmingly voted out of office 5 years ago.

Certainly the Angolan soldiers made life more difficult for the Congo by pounding Pointe Noire with heavy artillery for days, and then looting that city. These are not the actions of genuine liberators. The Angolan intervention in Congo Brazzaville following the Angolan intervention in what was then Zaire has led many observers to wonder if we are now in a newer era on the continent in which borders and democratic elections are meaningless.

The rationale by the Angolan government that Angolan forces operating in Congo Brazzaville posed a threat to their country does not justify its violation of international conventions, as cited in this resolution. President Lissouba testified last week before the Committee on International Relations that any UNITA presence in his country posed no danger whatsoever to Angola's sovereignty. However, this intervention likely will harm the peace process in Angola itself by further hardening relations between the Angolan government and UNITA.

Angolan government spokesmen talked of forcefully seizing territory that is supposed to be turned over by UNITA. Although the United Nations placed sanctions on UNITA, the U.N. acknowledged that extension of territorial administration has been moving forward over the last few months.

I support the resolution of the gentleman from New Jersey [Mr. MENEN-

DEZ] as a timely and necessary response to this situation. I understand the Angolan government has announced its intention to withdraw its forces from Congo by November 15. This resolution lets that government know we expect them to fulfill that commitment.

Mr. Speaker, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last month Mr. Sassou-Nguesso was sworn in as the President of the Republic of Congo after seizing power from the democratically elected government with the help of the Angolan military, and with virtually no opposition from the international community.

When President Lissouba testified before the Committee on International Relations last week, he made it very clear that the Angolan intervention was a decisive factor in the deposing of his government.

This resolution addresses three important issues: First, the Angolan government military's incursion into the Republic of Congo to help unseat the democratically elected government of Pascal Lissouba; second, the lackadaisical response from the international community, including the United States government, to Angola's actions and the overthrow of the Congolese government; and third, the imposition of sanctions upon UNITA by the U.N. Security Council, without regard or mention of the Angolan government's violations of the Lusaka Protocol.

Unlike the situation in the former Zaire, where now President Kabila unseated longtime dictator Mbutu, Angola has helped to unseat a democratically elected President in the Republic of Congo. The United States' response has been woefully inadequate. The United States should be calling for the restoration of the democratically-elected government of Pascal Lissouba, but instead it is pursuing a policy of working with former dictator Nguesso as if he had a legitimate mandate from the Congolese people.

On October 30, the United States agreed to support the imposition of sanctions on UNITA for failure to comply with its obligations under the Lusaka Protocol. This decision was made despite the fact that UNITA has made significant progress in moving towards many of the benchmarks established by earlier Security Council resolutions.

But even more disconcerting is the fact that the decision was made despite the fact that the government of Angola violated the Lusaka Protocol, that is, invading the Congolese, not to mention the United Nations and Organization of African Unity charters, by overthrowing the freely-elected government of the Congo.

Moreover, during the month of October the government took several provocative military actions against UNITA, also in violation of the Lusaka Protocol, failed to honor a commitment to meet with Dr. Savimbi, and snubbed Ambassador Richardson on his visit to Angola, the purpose of which was to move the peace process forward.

It is disingenuous to sanction UNITA for noncompliance when the government itself has violated the Lusaka Protocol. I believe the United States needs to send a strong message to Angola by withholding further IMET assistance until Angola has fully withdrawn all troops and military assistance from the Republic of Congo.

We should also give serious consideration to whether or not it is appropriate to be extending military assistance and forging military-to-military contacts with a country which is engaged in cross-border military incursions. I seriously question if it is a responsible policy to be providing Angola with such assistance in advance of the full implementation of the Lusaka Protocol and creation of a meaningful role for former UNITA members in the Angola military.

Finally, we are at a critical juncture in the Angolan peace process. The Angolan government's actions in the Republic of Congo and the U.N. Security Council's imposition of sanctions are likely to hinder rather than advance the timetable for peace in Angola. We hope that that in fact does not end up being the case, but we are seriously considering it.

I want to thank the chairman of the subcommittee for calling my resolution forward, which I believe is very timely. I want to thank my cosponsors.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I commend the gentleman from New Jersey [Mr. MENENDEZ] for bringing this resolution forward. I also commend the gentleman from New York, Chairman GILMAN, and the gentleman from California, Mr. ROYCE, the chair of the subcommittee on Africa, for their work on the bill.

We have before us a meaningful and balanced resolution. The national community must forcefully speak against the overthrow of a democratically-elected President, especially when an outside power intervenes in a critical way. The Congress in this action goes on record as condemning Angola's intervention in the Republic of the Congo. Angola's actions could set a dangerous precedent in a volatile area, and the Congress here is working to avoid this kind of precedent.

The resolution also urges both sides in Angola to implement their commitments to the peace process. I would

urge, and I believe the gentleman from Indiana [Mr. HAMILTON] would, as well, adoption of the resolution. I thank again the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from California [Mr. ROYCE] and the gentleman from New York [Mr. GILMAN], and the gentleman from California and the gentleman from New Jersey especially, since we traveled to this area and we all recognize its volatility, and the likelihood that unless stability is brought there, that it will cause a continuing explosion in that area of the world.

Mr. MENENDEZ. Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank the chairman of the subcommittee on Africa, the distinguished gentleman from California [Mr. ROYCE] for his leadership in bringing this resolution before us, as well as the distinguished gentleman from New Jersey [Mr. MENENDEZ], who is our ranking member on the subcommittee of Africa, for introducing this important resolution.

This resolution condemns the actions by the government of Angola that contribute to the overthrow of a democratically-elected government and its neighbor, the Republic of the Congo. Our committee recently took testimony from President Pascal Lissouba of the Republic of Congo, who was ousted from his Nation last month by the Armed Forces of Angola, working in conjunction with Congolese rebel forces. President Lissouba was democratically elected by the Congolese people in 1992.

It must be made clear that the Angolan government, they must refrain from intervening in the affairs of their neighbors, and continue to honor their commitments to the Lusaka protocol, which governs Angola's internal peace process. There are reasons to begin to suspect that Angola may become a rogue state, showing no restraints in its efforts to undermine its neighbors.

With the imposition of sanctions on UNITA by the U.N. Security Council, tensions in Angola right now are as high as they have been in the last 3 years, since the signing of the Lusaka protocol. It is imperative, therefore, that the Congress remind both sides that a return to war is unacceptable. Renewed hostilities would only result in the collapse of the peace process and the total isolation of the offending party. This resolution sends that kind of a message.

Accordingly, I urge my colleagues to fully support the resolution.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would like to say to my colleagues, within the last year I was in the Republic of the Congo. I went deep into the Ndoki forest, and saw what was going on; spent almost a full day with President Lissouba and got to know him, and know of the concern, the deep concern he had for his people and his country.

Sure, it is a fragile democracy. It was the only democracy that the Republic of the Congo has ever known. For it to be struck down in such a brutal way by not only the rebel forces from within the Republic of the Congo, but from the intervention from Angola, is inexcusable.

I think when we talk about what is our interest in that part of the world, we have to ask ourselves certain questions. Sure, there is oil there that is of great value and should be conserved. We would like for our American oil producers to have equal access to it. But there is much more than that.

In the Ndoki forest, traveling hours in dugout canoes, and going back and hiking hours through the swamp, and sleeping on the ground, we were able to actually see for the first time the silver-backed gorillas that are coming closer and closer to extinction. On the way we were able to see the results of what happens in clear-cutting the rain forest, which is going to have a lot to do with world climate.

We talked to President Lissouba and know of his concern, his cooperation with USAID and other organizations that are trying to conserve the forest, trying to conserve the rain forest elephant and the silver-backed gorilla, together with other endangered species.

If we care about this earth that we live in, if we care about the freedom of individuals, if we care about democracy, we must turn our attention to the struggling democracies in Africa, and ask ourselves exactly what course this Congress should take, what actions should the United States take, what should our relations be with nations that would destroy cities such as the leveling of Brazzaville, and actually the illegal conduct of Angola and what it has been doing.

□ 1530

I want to compliment the gentleman from California [Mr. MENENDEZ] for bringing this to the floor and the gentleman from California [Mr. ROYCE] for his good leadership in this regard. And I urge a yes vote on this important resolution.

Mr. MENENDEZ. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PAYNE] on a related matter, since he was unavoidably detained on the Kenya resolution, but has just

come back from a trip to the whole area as one of our outstanding members in the Subcommittee on Africa.

Mr. PAYNE. Mr. Speaker, let me, first of all, commend the gentleman from New Jersey [Mr. MENENDEZ], the ranking member of the Subcommittee on Africa, for the outstanding work that he has done at the Subcommittee on Africa. I would like to stand here in support of the previous Concurrent Resolution 130, as has been indicated regarding Kenya.

As has been mentioned, I visited Kenya on a brief trip from July 4 to July 6. When I went there, it was to evaluate the situation there and to listen to what was going on. My mission had two principal objectives: First, to urge the President to meet with opposition and religious leaders to discuss opposition demands for constitutional reforms; and, second, encourage the government to create a level playing field for the upcoming election. I also delivered a letter from President Clinton.

Kenya is one of the most important countries in Africa, and I think today for many reasons we are seeing Kenya's unwavering commitment and leadership of IGAD. Starting on October 28 in Nairobi, President Moi, as chairman of IGAD, was instrumental in getting the SPLA and the National Islamic Front, NIF, to agree on a joint communique. Nelson Mandela concluded that Inter-Governmental Authority on Development remained the best forum, and President Moi was working hard to try to get those two groups together.

After much prodding, after the World Bank and the IMF suspended its loan program and the subsequent fall of the Kenya shilling, I suppose that Mr. Moi had no other option but to meet with the opposition party members in the Inter-Parties Parliamentary Group, IPPG. In all fairness, though, President Moi stated that the opposition was divided and fractionalized, and I think that was one of his reasons for ambiguity on the reform package that he presented.

I do not think that the people of Kenya can survive any more uprisings and civil unrest like they had in 1995 and Saba Saba in July of this year, when 10 people were killed.

I also had an opportunity to meet with President Moi again last month on a Presidential mission with Ambassador Richardson. Let me say that President Moi has truly been responsive to the calls for reform. He is the promoter of a bill amending the Constitution. It sailed through its third reading in the Parliament on November 4. Shouts of triumph filled the chamber as members of different parties celebrated the bill's passage.

The political and constitutional reforms of November 7 that Mr. Moi signed into law will make Kenya a multiparty democracy and will allow

residents greater freedom of speech. The reforms repeal laws restricting freedom of speech and assembly, give greater representation on the Electoral Commission to opposition parties, and establish a multipartisan commission to review the Constitution after general elections.

I do feel that President Moi should allow all political parties to become a part of the elections. There is still one party that has not been registered. I think that should be done. And, also, I think we need to take a look at the fact that there has been abolition of the Parliament. But I understand that, according to the procedures, that this happens right before elections.

So I would just like to once again thank the gentleman from Florida [Mr. HASTINGS] for this resolution. I support it, and I hope that Kenya can get on the right track of its election, have them fair and transparent so that that country that was great in the past can move forward in the future for all the people of Kenya.

Mr. MENENDEZ. Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I ask that my colleagues support this resolution, which sends an important message to the region. In 2 days, Angolan troops are supposed to be withdrawn from Congo-Brazzaville, and at this point it is unlikely that they will complete their withdrawal on time. Nevertheless, this is a key deadline. My colleagues' support of this resolution today will confirm American determination that this deadline must be kept, absent some good reason why it cannot be kept.

Since this is the last of 6 resolutions produced by the Subcommittee on Africa this session, let me take this opportunity to commend the gentleman from California [Mr. MENENDEZ], the ranking minority member, and all my subcommittee colleagues on both sides of the aisle for a very cooperative working relationship this year, including the gentleman from Florida [Mr. HASTINGS] and the gentleman from New Jersey [Mr. PAYNE], who have spoken on the last two resolutions. I look forward to a productive second session.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the resolution, H. Res. 273, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo, urging both

the Government of Angola and the National Union for the Total Independence of Angola (UNITA) to continue their commitments to the Lusaka Protocol and Angolan peace process despite the imposition of sanctions on UNITA by United Nations Security Council Resolutions 1127 (1997) and 1135 (1997), and for other purposes."

A motion to reconsider was laid on the table.

SENIOR CITIZEN HOME EQUITY PROTECTION ACT

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 329) providing for the concurrence by the House with an amendment to the Senate amendment to the House amendments to S. 562.

The Clerk read as follows:

H. RES. 329

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill S. 562, together with the Senate amendment to the House amendment to the text of the bill, and to have concurred in the Senate amendment with an amendment as follows:

In the matter proposed to be inserted by the Senate amendment, at the end of section 304 add the following new subsection:

(c) **APPLICABILITY.**—This section shall apply only during the period beginning on October 1, 1997, and ending at the end of March 31, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Senior Citizens Home Equity Protection Act of 1997, which I introduced on April 10 as H.R. 1297, the Senior Homeowners Mortgage Protection Act. This House originally passed this bill under suspension on September 16, with an overwhelming vote of support, 422 to 1. That is the kind of margin I like to win my bills by, Mr. Speaker.

The core legislation was also included in the manager's amendment to H.R. 2, the Housing Opportunity and Responsibility Act of 1997, which passed the House on May 14. Although the Senate did not act upon this bill until Sunday, the House believes it is critical to enact these measures before the end of the year.

In our efforts, I must commend the gentleman from Iowa [Mr. LEACH], the chairman of the Committee on Banking and Financial Services, for his support in providing greater protections for senior citizens seeking to obtain a home equity reverse mortgage. In partnership with the administration, we

have constructed the bipartisan legislation before us today to provide security and peace of mind for thousands of senior citizens across America.

Mr. Speaker, in short, the legislation ensures that senior homeowners will be protected from being charged excessive or unnecessary fees in the reverse mortgage application process.

According to a HUD investigation earlier this year, seniors applying for reverse mortgages were being charged up to 10 percent of the total loan amount for estate planning services with third-party providers. In some cases, seniors have been charged as much as \$10,000 for services that should be provided at no cost.

Mr. Speaker, it is profoundly disturbing that such a valuable tool for senior citizens has been jeopardized by these predators. Our legislation will prevent these unscrupulous activities and will ensure that loan proceeds will go toward sustaining the quality of life for seniors throughout America.

Mr. Speaker, our legislation also provides a 2-year extension of certain rural housing programs and a 2-year extension of the National Flood Insurance Program. This is very important in many different parts of the country, particularly the coastal areas. While these programs may not be Senate priorities, the House included the additional authority to ensure the continuity of services to needy Americans.

Of particular significance is the extension of existing borrowing authority for the flood insurance program. Earlier this year, FEMA Director James Witt indicated that without the extension, FEMA might be forced to turn away families in the event of a significant disaster. Such a scenario is especially disturbing to families living in flood areas near rivers like the Ohio and Mississippi, as well as families living in coastal areas, particularly California, New York, and Florida.

Since the legislation passed in the House, we have worked closely with our Senate counterparts to accommodate minor changes in the original House legislation. In particular, let me express my appreciation for the cooperation of the chairman of the Senate Committee on Banking, Housing, and Urban Affairs, and the chairman of the Senate Subcommittee on Housing Opportunity and Community Development, and their sincere efforts to move this legislation forward.

I urge the Senate to pass this bill, with the minor changes we have made, without delay. The amendment before us today is generally the version that passed the House on September 16, with a few very minor changes included by the Senate. These changes include the modification of provisions dealing with public housing funding flexibility and mixed financial developments. These provisions help resolve budget scoring issues. The Senate also deleted two

multifamily provisions included in the House bill in order to further study the effect of the provisions on tenant rent increases and on good owners.

Additionally, a new provision was added which clarifies the owner's right to prepay a mortgage insured by the FHA. This provision is apparently necessary because the recently enacted fiscal year 1998 VA, HUD and Independent Agencies Appropriations Act extended only a segment of the prepayment authority. Regarding this particular provision, the House believes it is appropriate to extend the necessary authority for a period of 6 months, sufficient time to allow for a more complete analysis of the impact of extending this provision on a more permanent basis.

Finally, the Senate amendment makes a series of technical and clarifying changes to the Native American Housing Assistance and Self-Determination Act of 1996. This law was enacted in the 104th Congress, and like any new major law, technical corrections are often necessary. These are appropriate.

Mr. Speaker, the legislation before us today has the support of the administration, the gentleman from Massachusetts [Mr. KENNEDY], my friend and colleague, the ranking member of the Subcommittee on Housing and Community Opportunity, and numerous senior citizen organizations. I urge my colleagues here in the House and Members of the Senate to support passage of this critical legislation.

Let me end, Mr. Speaker, by complimenting and thanking the gentleman from Massachusetts [Mr. KENNEDY], the ranking member of the Subcommittee on Housing and Community Opportunity, for working tirelessly with me to ensure that we protect seniors, ensure that we have the flood insurance protection program in full force and effect for the next few months, as a matter of fact, for the next 2 years, and extend the opportunities for housing throughout America.

Mr. Speaker, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, let me rise in strong support of this extended bill. I want to congratulate the gentleman from New York [Mr. LAZIO], chairman of the Subcommittee on Housing and Community Opportunity, on his efforts to make certain that this bill came to the floor before we broke up this session of Congress. This is an important series of protections that will be provided in this legislation, first and foremost, the senior citizens protection. This bill provides important provisions that will protect senior citizens from unscrupulous practices dealing with reverse mortgages.

In recent years, scam artists have been charging seniors excessive and un-

necessary fees in conjunction with HUD reverse mortgages, which allows seniors to borrow against equity in their home for needed expenses. The bill ends these scam practices by outlawing excessive fees and increasing disclosure provisions.

I want to just briefly read a letter from the Secretary of HUD, Andrew Cuomo, who writes,

If this bill had not been moved to adjournment, thousands of senior citizens would continue to be at risk of being defrauded. Many cash-poor elderly families have significant untapped equity in their homes. And HUD's home equity conversion mortgage program allows them to tap into this resource to meet medical costs, living expenses, and other needs, without selling their longtime home.

I know that the outrages that have been perpetrated need to be fixed, and we need to stop them from being able to seek profits by charging the elderly excessive fees. This program will make HUD benefits available at no charge.

Mr. Speaker, the chairman of the committee ought to again take credit for making certain that this bill did come to the House floor in an appropriate time frame, because without this action taken on the floor today, more senior citizens would have been taken advantage of. In addition, it provides many improvements and extenders on existing housing programs.

For instance, the rural housing program. The bill extends affordable rural renting housing programs, including section 515 and 538 rental housing programs, in the underserved areas of the rural housing programs.

□ 1545

It also extends the multifamily programs. The bill extends federally assisted multifamily housing programs, including an expansion of a multifamily risk sharing program. The public housing provisions will also be extended, including the ceiling on minimum rent provisions as well as the suspension of various outdated rules.

It includes an important provision that extends greater financing flexibility for mixed income housing under the HOPE 6 program, critical for projects in cities like Baltimore and Philadelphia and Boston and others. It also extends the critical National Flood Insurance program, which I know we will be working on even more in the coming year in terms of some of the issues that have come forward regarding some of the very large and expensive and difficult flood and other natural disaster problems that are facing our country.

Third, it provides Indian housing. The bill makes technical corrections to the Native American Housing Assistance and Self-Determination Act.

Finally, the bill clarifies the rights of owners of section 8 housing to prepay their mortgage, a clarification made necessary by this year's failure

to fund the preservation program. While the House bill differs slightly from the Senate bill in its time extension, I am quite hopeful that the Senate will concur with this small change.

Mr. Speaker, the Department of Housing and Urban Development supports this legislation and has sent a letter indicating its support. The bill is also endorsed by the AARP. The legislation represents the hard work of the Committee on Banking and Financial Services which authorizes the housing programs. If we fail to take action today, many of the important provisions will be delayed for many, many months to come at the least. Therefore, I urge the adoption of this legislation.

Again, let me thank the gentleman from New York [Mr. LAZIO] for the hard work that he and his staff and the staff on the Democratic side have put into bringing this bill about today.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume. I would like to thank again the gentleman from Massachusetts [Mr. KENNEDY] for his hard work on this. This will be the third time actually that these provisions protecting seniors will have passed on the House floor. We have some additional provisions I think that will be helpful, in particular the flood insurance provisions which have been mentioned by both myself and by the gentleman from Massachusetts [Mr. KENNEDY].

Mr. Speaker, let me take this opportunity if I can to bid farewell to somebody who has served Congress very well, very admirably and will be missed I know on both sides of the aisle, and that is Kelsay Meek, who has been the staff director I know of the committee and has served with distinction. I know we have already had plenty of opportunity to acknowledge the contributions that the gentleman from Texas [Mr. GONZALEZ] has made to this body and to America. I want to reiterate again my respect for him, and again, my hat off to Kelsay Meek and wish him good luck in his future endeavors.

Mr. Speaker, I yield back the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume. I want to just let the chairman of the Subcommittee on Housing and Economic Opportunities know how much I appreciate his mentioning not only Kelsay Meek. Obviously this has come as a result of the retirement of one of the great Members and great advocates of housing policies in this country, HENRY GONZALEZ, who is going back to Texas and leaves a tremendous staff that has been dedicated to him.

Kelsay is the leader of that staff, and someone whom I have come to know and deeply appreciate in terms of his

knowledge of housing issues and his deep commitment to protecting the very, very poor people of this country, but he also has many other members of his staff that are also moving on. We wish all of those the best, and are delighted that many of the members of the staff are going to be staying to do battle with others on the other side of the aisle at times in the future.

I do want to also acknowledge, while we have just a moment on the House floor, the fact that I know the gentleman from New York [Mr. LAZIO] and I will miss the gentleman from New York [Mr. FLAKE], a dear friend who is leaving the committee, another fine member of the Committee on Banking and Financial Services who did tremendous work on housing issues over the course of his career. I know he is going back to the city of New York. It is the first time I have had a chance to just acknowledge the loss of a deep personal friend here in the House who will be going back but serving a higher calling than perhaps even we in the House of Representatives.

Mr. Speaker, I thank the chairman of the committee for his actions, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. SNOWBARGER]. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and agree to the resolution, House Resolution 329.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 562.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CORRECTING ENROLLMENT OF S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 196) to correct the enrollment of the bill S. 830.

The Clerk read as follows:

H. CON. RES. 196

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, the Sec-

retary of the Senate shall make the following corrections:

(1) In section 119(b) of the bill:
(A) Strike paragraph (2) (relating to conforming amendments).

(B) Strike "(b) SECTION 505(j).—" and all that follows through "(3)(A) The Secretary shall" and insert the following:

"(b) SECTION 505(j).—Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following paragraph:

"(9)(A) The Secretary shall".
(2) In section 123 of the bill, strike subsection (g) and insert the following:

"(g) APPLICATION OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

"(1) IN GENERAL.—Section 351 of the Public Health Service Act (42 U.S.C. 262), as amended by subsection (d), is further amended by adding at the end the following:

"(j) The Federal Food, Drug, and Cosmetic Act applies to a biological product subject to regulation under this section, except that—

"(1) a product for which a license has been approved under subsection (a) shall not be required to have an approved application under section 505 of such Act; and

"(2) the amendments made to section 505 of such Act by title I of Public Law 98-417 shall not apply to a biological product for which a license has been approved under subsection (a)."

"(2) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall affect the question of the applicability of any provision of section 505 of the Federal Food, Drug, and Cosmetic Act to a biological product for which an application has been approved under section 505 of such Act."

(3) In section 125(d)(2) of the bill, in the matter preceding subparagraph (A), insert after "antibiotic drug" the second place such term appears the following: "(including any salt or ester of the antibiotic drug)".

(4) In section 127(a) of the bill: In section 503A of the Federal Food, Drug, and Cosmetic Act (as proposed to be inserted by such section 127(a)), in the second sentence of subsection (d)(2), strike "or other criteria" and insert "and other criteria".

(5) In section 412(c) of the bill:
(A) In subparagraph (1) of section 502(e) of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 412(c)), in subclause (iii) of clause (A), insert before the period the following: "or to prescription drugs".

(B) Strike "(c) MISBRANDING.—Subparagraph (1) of section 502(e)" and insert the following:

"(c) MISBRANDING.—
(1) IN GENERAL.—Subparagraph (1) of section 502(e)".

(C) Add at the end the following:

"(2) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall affect the question of the authority of the Secretary of Health and Human Services regarding inactive ingredient labeling for prescription drugs under sections of the Federal Food, Drug, and Cosmetic Act other than section 502(e)(1)(A)(iii)."

(6) Strike section 501 of the bill and insert the following:

"SEC. 501. EFFECTIVE DATE.

"(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

"(b) IMMEDIATE EFFECT.—Notwithstanding subsection (a), the provisions of and the amendments made by sections 111, 121, 125, and 307 of this Act, and the provisions of section 510(m) of the Federal Food, Drug, and

Cosmetic Act (as added by section 206(a)(2)), shall take effect on the date of enactment of this Act."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. BURR] and the gentleman from Ohio [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BURR].

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask support for a concurrent resolution to correct the enrollment of S. 830, the Food and Drug Administration Modernization Act of 1997. This concurrent resolution makes 6 small changes in the FDA reform act to correct technical drafting problems that have been identified since the bill was passed in the House and voice voted on Sunday. This concurrent resolution corrects section references, clarifies the definition of terms used in the bill, makes grammatical changes and corrects the effective date of the act. These corrections have the full support of the Republican and Democrat sponsors of this legislation in both the House and the Senate.

In addition, I have a letter from Health and Human Services Secretary Donna Shalala regarding the user fees authorized by this act. These fees will be dedicated toward expediting the drug development process and the review of human drug applications. The specific performance goals that FDA has agreed to which are referenced in section 101(4) of this act are specified in the letter entitled PDUFA Reauthorization Performance Goals and Procedures from Secretary Shalala.

Mr. Speaker, I hope that these corrections will be adopted by the entire House.

Mr. Speaker, the text of the letter is as follows:

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, November 13, 1997.

Hon. THOMAS J. BLILEY, JR.,
Committee on Commerce, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, the Prescription Drug User Fee Act of 1992 (PDUFA) expired at the end of Fiscal Year 1997. Under PDUFA, the additional revenues generated from fees paid by the pharmaceutical and biological prescription drug industries have been used to expedite the prescription drug review and approval process, in accordance with performance goals that were developed by the Food and Drug Administration (FDA) in consultation with the in-

dustries. To date, FDA has met or exceeded the review performance goals agreed to in 1992, and is reviewing over 90 percent of priority drug applications in 6 months and standard drug applications in 12 months.

FDA has worked with representatives of the pharmaceutical and biological prescription drug industries, and the staff of your Committee, to develop a reauthorization proposal for PDUFA that would build upon and enhance the success of the original program. Title I, Subtitle A of the Food and Drug Administration Modernization Act of 1997, S. 830, as passed by the House and Senate on November 9, 1997, reflects the fee mechanisms developed in these discussions. The performance goals referenced in Section 101(4) are specified in the enclosure to this letter, entitled "PDUFA Reauthorization Performance Goals and Procedures." I believe they represent a realistic projection of what FDA can accomplish with industry cooperation and the additional resources identified in the bill.

This letter and the enclosed goals document pertain only to Title I, Subtitle A (Fees Relating to Drugs) of S. 830, the Food and Drug Administration Modernization Act of 1997.

OMB has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program.

We appreciate the support of you and your staffs, the assistance of other Members of the Committee, and that of the Appropriations Committees, in the reauthorization of this vital program.

Sincerely,

DONNA E. SHALALA.

Enclosure.

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the "Food and Drug Administration Modernization Act of 1997," are summarized as follows:

I. FIVE-YEAR REVIEW PERFORMANCE GOALS

Fiscal year 1998

1. Review and act on 90 percent of standard original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 1998 within 12 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1998 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1998 within 12 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1998 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1998 within 6 months of receipt.

6. Review and act on 90 percent of all resubmitted original applications filed during fiscal year 1998 within 6 months of receipt, and review and act on 30 percent of Class 1 resubmitted original applications within 2 months of receipt.

Fiscal year 1999

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1999 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1999 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1999 within 6 months of receipt and review and act on 30 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 1999 within 4 months of receipt and review and act on 50 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 1999 within 6 months of receipt.

Fiscal year 2000

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2000 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2000 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2000 within 6 months of receipt and review and act on 50 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2000 within 4 months of receipt and review and act on 50 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 2000 within 6 months of receipt.

Fiscal year 2001

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2001 within 12 months of receipt and review and act on 70 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2001 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2001 within 12 months of receipt and review and act on 70 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt.

5. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt and review and act on 70 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2001 within 4 months of receipt and review and act on 70 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

Fiscal year 2002

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2001 within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2002 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2002 within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2002 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2002 within 6 months of receipt and review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2002 within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

These review goals are summarized in the following tables:

ORIGINAL NDAs/BLAs/PLAs AND EFFICACY SUPPLEMENTS

Submission cohort	Standard	Priority
Fiscal year:		
1998	90 pct. in 12 mos.	90 pct. in 6 mos.
1999	30 pct. in 10 mos.	90 pct. in 6 mos.
	90 pct. in 12 mos.	
2000	50 pct. in 10 mos.	90 pct. in 6 mos.
	90 pct. in 12 mos.	
2001	70 pct. in 10 mos.	90 pct. in 6 mos.
	90 pct. in 12 mos.	
2002	90 pct. in 10 mos.	90 pct. in 6 mos.

MANUFACTURING SUPPLEMENTS

Submission cohort	Manufacturing supplements that—	
	do not require prior approval ¹	Do require prior approval
Fiscal year:		
1998	90 pct. in 6 mos.	90 pct. in 6 mos.
1999	90 pct. in 6 mos.	30 pct. in 4 mos.
		90 pct. in 6 mos.
2000	90 pct. in 6 mos.	50 pct. in 4 mos.
		90 pct. in 6 mos.
1901	90 pct. in 6 mos.	70 pct. in 4 mos.
		90 pct. in 6 mos.
1902	90 pct. in 6 mos.	90 pct. in 4 mos.

Changes being effected or 30-day supplements.

RESUBMISSION OF ORIGINAL NDAs/BLAs/PLAs

Submission cohort	Class 1	Class 2
Fiscal years:		
1998	90 pct. in 6 mos.	90 pct. in 6 mos.
	30 pct. in 2 mos.	
1999	90 pct. in 4 mos.	90 pct. in 6 mos.
	50 pct. in 2 mos.	
2000	90 pct. in 4 mos.	90 pct. in 6 mos.
	70 pct. in 2 mos.	
2001	90 pct. in 2 mos.	90 pct. in 6 mos.
2002	90 pct. in 2 mos.	90 pct. in 6 mos.

II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

The performance goals for standard and priority original NMEs in each submission cohort will be the same as for all of the

original NDAs (including NMEs) in each submission cohort but shall be reported separately.

For biological products, for purposes of this performance goal, all original BLAs/PLAs will be considered to be NMEs.

III. MEETING MANAGEMENT GOALS

A. Responses to meeting requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal meeting (i.e., a scheduled face-to-face, teleconference, or video conference) CBER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 70% of requests (based on request receipt cohort year) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

B. Scheduling meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the date requested.

Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

Type B Meetings should occur within 60 calendar days of the Agency receipt of the meeting request.

Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 70% of meetings are held within the time frame (based on cohort year of request) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

C. Meeting minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

2. Performance goal: 70% of minutes are issued within 30 calendar days of date of meeting (based on cohort year of meeting) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and

2. The letter should provide: a. A brief statement of the purpose of the meeting; b. a listing of the specific objectives/outcomes the requester expects from the meeting; c. a proposed agenda, including estimated times needed for each agenda item; d. a listing of planned external attendees; e. a listing of requested participants/disciplines representative(s) from the Center; f. the approximate time that supporting documentation (i.e., the "backgrounder") for the meeting will be sent to the Center (i.e., "x" weeks prior to the meeting, but should be received by the Center at least 2 weeks in advance of the scheduled meeting for Type A or C meetings and at least 1 month in advance of the scheduled meeting for Type B meetings); and

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a "Type B" meeting will be honored except in the most unusual circumstances.

IV. CLINICAL HOLDS

A. Procedure

The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal

75% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response starting in FY 98 (cohort of date of receipt) and 90% in subsequent fiscal years.

V. MAJOR DISPUTE RESOLUTION

A. Procedure

For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the divisional level (including a request for reconsideration by the Division after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal

70% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal starting in FY 1999; 80% in FY 2000, and 90% in subsequent fiscal years.

C. Conditions

1. Sponsors should first try to resolve the procedural or scientific issue at the Division level. If it cannot be resolved at that level, it should be appealed to the Office Director level (with a copy to the Division Director) and then, if necessary, to the Deputy Center Director or Center Director (with a copy to the Office Director).

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either deny or grant the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the "response" should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

7. N.B. If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting in order to allow conformance with advisory committee administrative procedures.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure

Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. (For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.)

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goals

60 percent of special protocols assessments and agreement requests completed and returned to sponsor within time frames (based on cohort year of request) starting in FY 1999; 70 percent in FY 2000; 80 percent in FY 2001; and 90 percent FY 2002.

VII. ELECTRONIC APPLICATIONS AND SUBMISSIONS

The Agency shall develop and update its information management infrastructure to allow, by fiscal year 2002, the paperless receipt and processing of INDs and human drug applications, as defined in PDUFA, and related submissions.

VIII. ADDITIONAL PROCEDURES

A. Simplification of action letters

To simplify regulatory procedures, the CBER and the CDER intend to amend their regulations and processes to provide for the issuance of either an "approval" (AP) or a "complete response" (CR) action letter at the completion of a review cycle for a marketing application.

B. Timing of sponsor notification of deficiencies in applications

To help expedite the development of drug and biologic products, CBER and CDER intend to submit deficiencies to sponsors in the form of an "information request" (IR) letter when each discipline has finished its initial review of its section of the pending application.

IX. DEFINITIONS AND EXPLANATION OF TERMS

A. The term "review and act on" is understood to mean the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A major amendment to an original application submitted within three months of the goal date extends the goal date by three months.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling;
2. Draft labeling;
3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission);
4. Stability updates to support provisional or final dating periods;
5. Commitments to perform Phase 4 studies, including proposals for such studies;
6. Assay validation data;
7. Final release testing on the last 1-2 lots used to support approval;
8. A minor reanalysis of data previously submitted to the application (determined by the agency as fitting the Class 1 category);
9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category); and
10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry.

E. Class 2 resubmissions are resubmissions that include any other items, including any item but would require presentation to an advisory committee.

F. A Type A Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a "critical path" meeting).

G. Type B Meeting is a (1) pre-IND, (2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2/pre-Phase 3, or (3) a pre-NDA/PLA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/PLA/BLA) (or combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C Meeting is any other type of meeting.

I. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

Mr. BURR of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume. This is primarily a technical corrections bill to correct some provisions of the FDA reform bill that this House passed by voice on Sunday. This correction resolution does not change any of the underlying policies of the FDA legislation, nor does it make any new substantive policy changes.

Mr. Speaker, I ask for House support. Mr. RUSH. Mr. Speaker, I am proud to speak today in support of the conference report to pass FDA reform legislation.

During the markup in the Commerce Committee of H.R. 1411, the Drug and Biological Products Modernization Act of 1997, I offered an amendment to the bill to ensure that women and members of minority and ethnic groups would be adequately represented in clinical trials of new drugs that are submitted to the Food and Drug Administration [FDA] for approval.

This amendment specifically directs the Secretary of Health and Human Services to consult with the National Institute of Health [NIH] to review and develop guidelines on the inclusion of women and minorities in clinical trials.

This important amendment was unanimously adopted by the committee by voice vote.

In passing H.R. 1411, the Committee engaged in a vigorous debate about the respective roles of government and the industry. We have heard a lot about how we must not sacrifice the public health and consumer safety by allowing faster approval of new drugs. In the same spirit, we must not lose sight of equity issues.

I congratulate Members on both sides of the aisle for working hundreds of hours to craft this bill. And staff, on both sides, are to be commended for their dedication to fine-tuning this landmark legislation.

I look forward to working with Members of Congress, the administration, and medical and consumer groups to help expand the inclusion of women and minorities in clinical trials.

I rise in strong support of the conference report and urge all Members to vote "yes" on this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. BURR] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 196.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 RELATING TO CUSTOMS USER FEES

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3034) to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.

The Clerk read as follows:

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDS FOR CUSTOMS INSPECTION PERSONNEL.

(a) ACCESS TO CUSTOMS USER FEE ACCOUNT.—Section 13031(f)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)), is amended—

(1) in clause (i)(V), by striking “and” at the end;

(2) in clause (ii)—

(A) by striking “to make reimbursements” and inserting “after making reimbursements”; and

(B) by striking the period at the end and inserting “, and”, and

(3) by inserting after clause (ii) the following:

“(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions through September 30, 1998, that enhance customs services in connection with the arrival in Florida of passengers aboard commercial vessels, regardless of whether those passengers are required to pay fees under paragraphs (1) through (8) of subsection (a).”.

THE SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentlewoman from Florida [Mrs. THURMAN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3034.

THE SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of H.R. 3034, a bill to preserve current funding for Customs inspections positions throughout the State of Florida. I am pleased that the bipartisan leadership of the Committee

on Ways and Means has agreed to allow this time sensitive bill to come to the floor under suspension of the rules.

Mr. Speaker, this bill is needed to preserve Customs inspectional positions in Florida ports due to the fact that Customs' authority to access the Customs COBRA User Fee Account expired on September 30, 1997. The User Fee Account has a substantial surplus, and my bill would allow Customs limited access to pay the salary of Customs inspectors who process cruise-ship passengers returning to Florida from the Caribbean Basin. My bill will allow Customs more than enough time to develop a long-term plan to continue processing the current level of cruise-ship passengers, as well as expected future increases. As a longtime champion of the Customs Service and their fine work in south Florida, I am confident of their commitment to provide full service to the cruise ship industry which is so vital to the economy of my home State of Florida. Let me acknowledge that the Committee on Ways and Means will have to consider any extension or expansion of this temporary provision beyond September 30, 1998.

Mr. Speaker, enactment of the temporary measure in H.R. 3034 will ensure that the smooth flow of passengers at Florida's ports continue and that our State's vibrant cruise ship industry will not be damaged while a long-term solution is found. I urge my colleagues to support H.R. 3034.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS].

[Conference Report submitted by Mr. ROGERS is in Part I.]

Mrs. THURMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is going to address a critical situation for Florida's tourist industry. On September 30, the Customs Service lost authority to collect fees used to inspect cruise vessels traveling to the Caribbean island community. Customs has advised cruise ship companies in Florida that Customs will be unable to provide inspection service to vessels that will be starting cruises from Florida on or after December 1, 1997. Customs claims that the expiration of the user fee authority will require the reduction of inspectional positions in Florida. This bill prevents the loss of these positions and will ensure that tourists seeking to enjoy cruises in Florida this winter are not disappointed. Specifically the bill allows Customs to access the Customs user fee account to provide for up to 50 full-time inspectors. The account contains about \$120 million, far more than the \$1 million or so needed to maintain these positions.

I understand because of the expiration of the user fee authority, Customs intends to remove an additional 27 inspectors who provide similar services

for cruise ships arriving at Long Beach, CA, and for the preclearance of aircraft passengers in Canada. I believe that the Committee on Ways and Means should work with the Customs Service to develop a long-term solution that ensures the continuation of inspection services for air and sea passengers and for all affected ports of entry.

I will work with the gentleman from Florida [Mr. SHAW] to correct this situation in 1998, but Congress must approve this legislation before we adjourn. If we do not, the cruise industry in Florida will be decimated this winter.

Finally, I want to thank the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means; the gentleman from New York [Mr. RANGEL], the ranking member; the gentleman from Illinois [Mr. CRANE] the chairman of the Subcommittee on Trade; and the gentleman from California [Mr. MATSUI] for their assistance, and certainly the gentleman from Florida [Mr. SHAW] for his advancement of this piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. DEUTSCH] who has many of these ports in his district.

Mr. DEUTSCH. Mr. Speaker, south Florida really is known as the cruise capital literally of the entire world. Because of the situation that we are in, unless we pass this legislation at this point in time, several ships that would be sailing from south Florida, or have plans to be sailing from south Florida during the winter season when we are in our break potentially would not be able to sail.

□ 1600

These are ships, multi-million-dollar ships. Probably more importantly, these are ships that have already advertised and collected money from hundreds of people, if not thousands of people, who are planning their vacations to go on these ships and, in fact, would have to cancel without this legislation.

It is a fair, appropriate piece of legislation in terms of funds that we need to use to have several, as was mentioned, a very few, customs officials because of the way the law is being interpreted. I talked with the customs commissioner himself about this, and again I want to thank the staff and the members of the committee for their help in this matter.

Mrs. THURMAN. Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 3034 introduced by both

the gentleman from Florida [Mr. SHAW] and the gentleman from Illinois [Mr. CRANE], a measure that would allow the user fee account to be used for the Customs Service in the Florida area.

I just visited that region in Miami and was appalled to learn that 50 inspectional positions would help arriving vessels, cruise ships, in Florida which would inure some \$1 million in revenue to the port, and because there is some shortsightedness here we have a limitation on customs inspectors, and I would hope that the Congress can join in this measure that would help alleviate that problem for the Florida ports so that ships could come in, so that the region could obtain that kind of revenue at a time when we are trying to enhance the economy throughout the Nation.

I think that this is an important measure, and I urge my colleagues to support it.

Mrs. THURMAN. Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Very briefly, I would like to thank the gentleman from Texas [Mr. ARCHER] and the gentleman from Illinois [Mr. CRANE] as well as the ranking Democrat Members, the gentleman from California [Mr. MATSUI] and the gentleman from New York [Mr. RANGEL], for allowing this to come to the floor in this expedited procedure. This is a very important bill for Florida. I would also like to commend the gentleman from Florida [Mrs. THURMAN] and the gentleman from Florida [Mr. DEUTSCH] for their involvement in moving this bill along.

Mr. CRANE. Mr. Speaker, yesterday Mr. SHAW introduced H.R. 3034, a bill to allow the U.S. Customs Service limited and temporary access to the Customs COBRA User Fee Account to fund, through September 30, 1998, up to 50 inspectional positions for processing passengers arriving on commercial vessels—cruise ships—in Florida. As of September 30, 1997, Customs no longer collects user fees from passengers arriving from Canada, Mexico, and the Caribbean. Current law states that the funds can only be used to enhance inspectional service at ports if Customs COBRA User fees are collected. Thus, Customs may not use any money from the Customs COBRA User Fee Account to fund positions in those ports to enhance the inspection of passengers who arrive from Canada, Mexico, and the Caribbean.

As of September 30, 1997, fees are no longer collected from cruise ship passengers arriving in Florida from Caribbean countries. Therefore, Customs no longer has the authority to access the user fee account to pay for inspectional positions previously acquired in these Florida ports. Forty-three of these positions have been added in Florida ports where user fees had previously been collected from cruise ship passengers. Mr. SHAW's bill would give Customs limited access to the user fee account to fund these 43 positions, plus an additional 7 positions to account for any

growth in the cruise ship industry in fiscal year 1998.

The bill has no pay-go impact because revenues to fund these inspectors would come from the Customs COBRA User Fee Account, under the current permanent, indefinite appropriation.

Mr. Speaker, I must emphasize three important points with regard to the decision of the Committee on Ways and Means to allow this bill to come to the floor under suspension of the rules. First, this is being done with the understanding that the committee will be treated without prejudice in the future as to its jurisdictional prerogatives on this or similar provisions. This bill should not be considered as precedent for consideration of matters of jurisdictional interest to the committee in the future. Second, the bill provides limited relief for the processing of cruise ship passengers in Florida only. The bill sets no precedent for providing Customs access to the Customs COBRA User Fee Account to fund inspectional positions for the processing of passengers arriving on commercial vessels arriving at any port of entry outside of Florida. Third, the committee's decision to allow the provision to be considered under suspension of the rules shall set no precedent for allowing additional access to the user fee account after fiscal year 1998. The Subcommittee on Trade intends to review several issues involving Customs user fees next year, including H.R. 2262, my bill to reform the overtime and nighttime pay reform system for Customs inspectors.

I would finally like to add that the Customs Service could fund these and other positions through its salaries and expenses account. The bill will therefore provide Customs additional time to develop a plan by which current and future cruise ship passengers can be processed as part of Customs ongoing commitment to process passengers as efficiently as possible. The bill will provide short-term relief for the cruise ship industry in Florida, the group most immediately impacted by Customs' failure to develop such a plan.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3034, a bill to allow the U.S. Customs Service limited and temporary access to the Customs COBRA User Fee Account to fund, through September 30, 1998, up to 50 inspectional positions for processing passengers arriving on commercial vessels in Florida.

Cutbacks in the U.S. Customs Service have threatened the voyages of numerous cruise ships in Florida, due to the fact that the Customs Service no longer has authority to access the user fee account to pay for inspectional positions.

H.R. 3034 will give Customs limited access to the user fee account to fund 43 positions, plus an additional 7 positions to account for any growth in the cruise ship industry in fiscal year 1998.

I applaud my colleague, the distinguished gentleman from Florida, Mr. SHAW, and commend him for his efforts to ensure the success of the cruise ship industry.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW]

that the House suspend the rules and pass the bill, H.R. 3034.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JUSTICE FOR VICTIMS OF COMMUNISM ACT OF 1997

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3037) to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program.

The Clerk read as follows:

H.R. 3037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Victims of Communism Act of 1997".

SEC. 2. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—
(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes", and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and
(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—
(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is or has been accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Briefly, this is a bill which will extend and clarify an important State Department and Immigration and Naturalization Service authority that expired on September 30, 1997, which is

necessary to help protect the victims of communism.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH] for further explanation.

Mr. SMITH of New Jersey. Mr. Speaker, this authority was necessary for longtime reeducation camp victims who had been persecuted in Vietnam for their pro-U.S. associations to bring their unmarried children with them to the United States if these children have reached the age of 21 during their incarceration or the long wait for an exit visa from the Communist authorities. A member of these former prisoners of conscience have refused to leave Vietnam unless they can bring their children with them. These families are trapped in Vietnam until the provision is reauthorized.

I would just like to point out to the Members that extension of this authority has been endorsed by the administration, on the other side of the building Senators MCCAIN, ABRAHAM, and KENNEDY, and it has the bipartisan support of the gentleman from Illinois [Mr. HYDE], the gentleman from New York [Mr. GILMAN], and the gentleman from California [Mr. BERMAN], and I appreciate their cosponsorship of this legislation, and Mr. BERMAN and Mr. DAVIS, as a matter of fact, are additional cosponsors as well.

Mr. CANADY of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in support of H.R. 3037. I do regret only that it has come up so quickly that many Members who would be here to speak in favor of it were not even aware that it was going to be brought up.

It is important that this country, who stood shoulder to shoulder, stood side by side and fighting communism in South Vietnam, stand yet again with those who have been the victims of torture and oppression subsequent to the fall of the South Vietnamese Government.

I know because of the many times that I have worked with refugees in California, trying to help their families away from the oppression, that people still face in Vietnam how important this measure is, and I commend the authors for jumping through I do not know how many legislative hoops to get it on this floor today.

I would also like to bring, because she was not aware it was going to be on the floor any more than I was before I got the call, that the gentlewoman from California [Ms. SANCHEZ] from Orange County and I recently held, with others, a human rights forum and study under the Human Rights Caucus, and the gentlewoman from California

[Ms. SANCHEZ] and I learned firsthand from the testimony how important this measure is. And so I am sure I join with others, including my colleague from California, in urging support of this bill.

I thank the gentleman from North Carolina for allowing me to say these few words in support.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I have no further speakers. I do, however, ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I will be brief so as not to prolong this debate because I do not think there is anybody who opposes this bill. The bill serves a useful purpose of extending and clarifying an important State Department and INS authority that expired on September 30, 1997. This authority was necessary to allow longtime reeducation camp victims who have been persecuted in Vietnam for their pro-U.S. associations to bring their unmarried children with them to the United States if these children have reached the age of 21 during their incarceration or the long wait for an exit visa from the Communist authorities. A number of these former prisoners of conscience have refused to leave Vietnam unless they can bring their children. These families are trapped in Vietnam until this provision is reauthorized.

The extension of this authority has been endorsed by the Clinton administration, Senators MCCAIN, ABRAHAM, and KENNEDY, the gentleman from Illinois [Mr. HYDE], the gentleman from New York [Mr. GILMAN], the gentleman from California [Mr. BERMAN], and many others. As I say, there is no real objection to this bill.

I do want to raise one point, however, that I think can go unnoticed in the waning moments of a congressional session. This is a matter of immigration policy, and because this bill was just introduced, just dropped within the last minutes, the bill never has had a chance to go through the Subcommittee on Immigration and Claims of the Committee on the Judiciary, and so we continue to make somewhat haphazardly immigration policy in this country, and we yesterday on an appropriations bill made exceptions for Nicaraguans, Guatemalans, Salvadorans, other people from Communist countries, to be treated as refugees.

Under this bill, we make exceptions for some Vietnamese who obviously are

very deserving, and the thing that is troubling is that we keep making these exceptions, all of which we support, but we keep leaving out the Haitians, which a number of people rose on the floor yesterday, especially Representatives from Florida, to try to see why we keep leaving out the Haitians, who really ought to be given an exception similar to the exceptions that we have given, we are giving, under this bill, that we gave under an appropriations bill to the Salvadorans, Guatemalans, and others yesterday.

Why do we keep leaving out the Haitians? And that question cries out for a response even though they are not people who oppose this particular bill. The question still is out there, why can we not find a bill and support for the Haitian people who came to this country under parole of Republican and Democratic Presidents, were given a status, and yet we are not dealing with them, we are ignoring them in the process of passing these bills?

So having expressed the procedural concern that we are haphazardly and kind of case-by-case making immigration policy without this bill having gone through the Subcommittee on Immigration and Claims or the Committee on the Judiciary, and having expressed a concern that nobody seems to be paying attention to the plight of the Haitians even though there is a bill which could just as easily be picked up and moved on the floor as this bill is being moved, I encourage my colleagues nonetheless to support this bill.

Mr. Speaker, I yield back the balance of my time.

□ 1615

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for his expression of support for the bill. I would encourage all Members to vote for this important bill, which will ensure that some people will be spared injustice if passed by the House today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CANADY] that the House suspend the rules and pass the bill, H.R. 3037.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. BATEMAN. Mr. Speaker, pursuant to H. Res. 314, I would like to announce that the following suspension is expected to be considered today:

H. Con. Res. 197, calling for the resignation or removal from office of Sara

E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs.

ARMY RESERVE-NATIONAL GUARD EQUITY REIMBURSEMENT ACT

Mr. BATEMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2796) to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning October 1, 1996, and ending on May 31, 1997, as amended.

The Clerk read as follows:

H.R. 2796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Army Reserve-National Guard Equity Reimbursement Act".

SEC. 2. REIMBURSEMENT OF MEMBERS OF THE ARMY DEPLOYED IN EUROPE IN SUPPORT OF BOSNIA OPERATIONS FOR OUT-OF-POCKET EXPENSES INCURRED TO TRANSPORT PERSONAL PROPERTY.

(a) REIMBURSEMENT AUTHORIZED.—The Secretary of the Army may reimburse an individual described in subsection (b) for expenses incurred by that individual while a member of the Army for shipment of personal property of the individual to or from Europe during the period beginning on October 1, 1996, and ending on May 31, 1997, if the shipment of the personal property, if made on June 1, 1997, would have been covered by a temporary change of station weight allowance for shipment of personal property authorized by the Department of the Army. Such reimbursement shall be made from amounts available as of the date of the enactment of this section for the payment of the temporary change of station weight allowance.

(b) COVERED INDIVIDUALS.—An individual referred to in subsection (a) is an individual who, as a member of the Army during the period beginning on October 1, 1996, and ending on May 31, 1997, was deployed from the United States to Europe in support of operations in Bosnia or reassigned from Europe to United States upon the completion of such deployment, or both, under travel orders that did not authorize a temporary change of station weight allowance for shipment of personal property of the member.

The SPEAKER pro tempore [Mr. SNOWBARGER]. Pursuant to the rule, the gentleman from Virginia [Mr. BATEMAN] and the gentleman from California [Mr. DELLUMS] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2796 would not direct, but would indeed authorize reimbursement for certain out-of-pocket expenses incurred by certain members of the United States Army who were deployed to Europe in support of the Bosnian operations in late 1996.

The bill has been amended from the introduced version to more clearly specify who in the Army is eligible for such reimbursement if the Secretary of the Army elects to exercise its authority.

The Army supports this initiative, and I am not aware of any controversy at this time associated with the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today, H.R. 2796, is an example of what I and more than 50 of our colleagues consider good governmental legislation. This bill will correct a gross inequity that impacts upon approximately 4,200 of our Army Reserve and National Guard personnel who are deployed in Europe in support of our operations in Bosnia.

It will provide the necessary statutory authority for the Army to reimburse those soldiers, who had to take money out of their pockets to pay for shipment of personnel items, which the Army has paid for in the past and has started to pay for again.

I am especially pleased that this legislation has been developed at the request of the Department, in that it demonstrates their sincere concern for the welfare of the junior grade enlisted personnel who are the intended beneficiaries of this legislation.

Further, Mr. Speaker, I am pleased to be the cosponsor of this bill, and I would like at this time to extend my congratulations to my distinguished colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], for persisting in this effort. I underscore for emphasis "persisting in this effort."

Mr. Speaker, the distinguished gentlewoman brought this matter to my attention several weeks ago. We were not able to address this matter in the normal course of events in the context of the conference report that was the vehicle for our fiscal year 1998 defense authorization bill, but were able to do it in this context.

Mr. Speaker, the gentlewoman, as I said, brought this matter to my attention and worked with great diligence to bring us to this moment. I again congratulate the gentlewoman and loudly applaud her for her efforts on behalf of the 4,200 men and women of our Army Reserves and National Guard.

Mr. DELLUMS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I also want to commend both sides of the House, both the majority and the minority on this issue, for allowing this to come up. I want to pay particular attention to the care and attention and the direction that the gentleman from California [Mr. DELLUMS] gave to this issue, and thank the gentleman from Virginia [Mr. BATEMAN] for leading this

effort on his side. We would not be here unless there was cooperation on both sides. I want to acknowledge that.

This issue came to me because 125 National Guardsmen in eastern North Carolina had experience going at the direction of their country, serving their country they thought well, but also having to pay for that engagement. What it meant was they had to pay for the shipment of their personal goods back to the United States.

Here before, military personnel would be reimbursed for the shipment of their personal goods. Why? Because there had been an administrative change or policy change within the administration of the Pentagon.

When we brought that to them, they said unless we actually sought legislative remedy, they could not make this correction, which we thought was an issue of fairness for the 125 military personnel in eastern North Carolina. We did it for the whole. So this particular legislation now is going to enable more than 4,200 individuals to be reimbursed, as they should be, for the transfer of their personal goods back home.

I think it is an issue of fairness; I think it is an issue of respect, the respect we have traditionally given our military, that if they incur expenses, certainly we ought to reimburse them.

Also I think it is an issue of respect for our junior personnel, because oftentimes we forget they, too, have expenses that they seem to think are big. \$400 or \$500 may not be big to us, but for junior personnel it is indeed an expense item that they would like to have reimbursed.

Again, Mr. Speaker, I want to thank everyone involved in this, all of the members of this committee, because 125 people in eastern North Carolina will be delighted to know now they can be reimbursed. I suspect the 4,200 personnel across the country are appreciative for this Congress correcting what was an injustice to them.

Mr. Speaker, I thank the gentleman for yielding me time, and thank the gentleman from California [Mr. DELLUMS] for his leadership.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, let me take this opportunity to congratulate the gentlewoman from North Carolina for a matter of paying attention to people she represents and trying to heal their financial reverses as a result of serving our Nation as Members of the National Guard. She not only helps them, but helps National Guardsmen all over the country. We thank the gentlewoman, from Missouri National Guardsmen, and, I know as well, from other Members across our country.

I have had, Mr. Speaker, the opportunity to visit with American National Guardsmen in Europe, in Germany, in Bosnia and in Hungary. They serve well, and they serve ably. In the process they are giving up a great deal. They are away from their homes, they are away from their work, they are away from their family, and they are serving as honorably as anyone in uniform.

For us not to pass this piece of legislation that makes them whole financially and on reimbursement for items they necessarily had to purchase in Europe would be a mistake. So I wholeheartedly support the effort of the gentlewoman from North Carolina [Mrs. CLAYTON], and the gentleman from California, as well as the gentleman from Virginia.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. McHALE].

Mr. McHALE. Mr. Speaker, I, too, thank the gentleman from California for yielding me this time.

Mr. Speaker, I want to point out this is really an extremely important effort on behalf of our Army and National Guard participating soldiers. The gentlewoman from North Carolina [Mrs. CLAYTON] has stepped forward today with a piece of legislation that will be very important to 4,206 Army Reserve and National Guard soldiers who, unfortunately, because of an administrative error, were not given the proper reimbursement on the shipment of personal goods.

This really goes beyond the shipment of personal items. The Representative from North Carolina [Mrs. CLAYTON] recognizes when these troops deploy to and from an overseas mission, they deserve to get a level of equity which, unfortunately, was not provided in this case.

There are no second-class soldiers in the United States Army. This corrects that inequity. It is, in fact, the Army Reserve-National Guard Equity Reimbursement Act, and I strongly urge my colleagues on both sides of the aisle to support the legislation.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to join the long list of people commending the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to our attention.

Over 4,200 reservists will be affected in their pocketbooks by this. They do not make much money. Most of them volunteered to go to Bosnia. Some of them were involuntarily called up. All of them took a pay cut, in all probability, to serve their country. So it is very important that, where we can and when we can, we see to it that they

incur no unnecessary expense in doing so.

Mr. Speaker, I want to commend the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to our attention. I want to commend the gentleman from Indiana [Mr. BUYER] and the gentleman from Virginia [Mr. BATEMAN] for allowing this to come to the floor today. We are definitely doing the best thing for those people in uniform.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply like to conclude by indicating that I would have liked very much for this matter to have been dealt with in the context of the conference report that accompanied the defense authorization for fiscal year 1998. In that regard, this would, in a few short days perhaps, have been signed into law. But I am pleased we are at least taking this step.

My hope is by the House of Representatives taking this step, we will have sent the appropriate signal to the other body to act with dispatch on this matter that cries out for equity and cries out for action.

Mr. Speaker, I yield back the balance of my time.

Mr. BATEMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the chairman of the Subcommittee on Military Readiness for yielding me this time.

Mr. Speaker, I rise in strong support of the legislation to correct these errors with regard to our troops. This is really basically, my colleagues, support-the-troops legislation.

This legislation corrects a problem created earlier this year when, due to an administrative change in Army policy, reservists deployed to Bosnia were forced to pay out of their own pocket to ship their personal goods home at the completion of their tour. Most of the reservists called for the second rotation to Bosnia were affected by this change.

This matter came to the attention of the authorizing Committee on National Security really too late to deal with this issue effectively in the defense bill this year.

I compliment the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to everyone's attention. I am disappointed that the Assistant Secretary of the Army for Manpower and Reserve affairs, Ms. Sara Lister, would not have brought this immediately to the Committee on National Security's attention. I know she brought this in response to your inquiry, but I wish she had brought it right to the authorizing committee. Perhaps, if she is listening, she is going to get that warning order.

I urge my colleagues to support the legislation. The troops can be reim-

bursed in a timely fashion for their selfless service to their country. I agree with the ranking member that hopefully the Senate will take this up immediately.

Mr. BATEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me add in conclusion my thanks and compliments to the gentlewoman from North Carolina [Mrs. CLAYTON] for having determined that there was this problem and having brought it to our attention in order that we could address the problem, one which definitely needed to be addressed and which I am happy to have cooperated in having the House hopefully pass in the next minute.

I hope also the Senate will take action on this and the President will sign it in order that we can have the authority for these troops to be paid that which they deserve.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BATEMAN] that the House suspend the rules and pass the bill, H.R. 2796, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1630

AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, as amended.

The Clerk read as follows:

S. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Amtrak Reform and Accountability Act of 1997".

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of sections.

Sec. 2. Findings.

TITLE I—REFORMS

SUBTITLE A—OPERATIONAL REFORMS

Sec. 101. Basic system.

Sec. 102. Mail, express, and auto-ferry transportation.

- Sec. 103. Route and service criteria.
- Sec. 104. Additional qualifying routes.
- Sec. 105. Transportation requested by States, authorities, and other persons.
- Sec. 106. Amtrak commuter.
- Sec. 107. Through service in conjunction with intercity bus operations.
- Sec. 108. Rail and motor carrier passenger service.
- Sec. 109. Passenger choice.
- Sec. 110. Application of certain laws.

SUBTITLE B—PROCUREMENT

- Sec. 121. Contracting out.

SUBTITLE C—EMPLOYEE PROTECTION REFORMS

- Sec. 141. Railway Labor Act Procedures.
- Sec. 142. Service discontinuance.

SUBTITLE D—USE OF RAILROAD FACILITIES

- Sec. 161. Liability limitation.
- Sec. 162. Retention of facilities.

TITLE II—FISCAL ACCOUNTABILITY

- Sec. 201. Amtrak financial goals.
- Sec. 202. Independent assessment.
- Sec. 203. Amtrak Reform Council.
- Sec. 204. Sunset trigger.
- Sec. 205. Senate procedure for consideration of restructuring and liquidation plans.

- Sec. 206. Access to records and accounts.
- Sec. 207. Officers' pay.
- Sec. 208. Exemption from taxes.
- Sec. 209. Limitation on use of tax refund.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Authorization of appropriations.

TITLE IV—MISCELLANEOUS

- Sec. 401. Status and applicable laws.
- Sec. 402. Waste disposal.
- Sec. 403. Assistance for upgrading facilities.
- Sec. 404. Demonstration of new technology.
- Sec. 405. Program master plan for Boston-New York main line.
- Sec. 406. Americans with Disabilities Act of 1990.
- Sec. 407. Definitions.
- Sec. 408. Northeast Corridor cost dispute.
- Sec. 409. Inspector General Act of 1978 amendment.
- Sec. 410. Interstate rail compacts.
- Sec. 411. Board of Directors.
- Sec. 412. Educational participation.
- Sec. 413. Report to Congress on Amtrak bankruptcy.
- Sec. 414. Amtrak to notify Congress of lobbying relationships.
- Sec. 415. Financial powers.

SEC. 2. FINDINGS.

The Congress finds that—

- (1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;
- (2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;
- (3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;
- (4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;
- (5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;
- (6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;
- (7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

- (A) a national passenger rail system; and
- (B) that system without Federal operating assistance; and

(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

TITLE I—REFORMS

Subtitle A—Operational Reforms

SEC. 101. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—(1) Section 24701 is amended to read as follows:

"§ 24701. National rail passenger transportation system

"Amtrak shall operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service."

(2) The item relating to section 24701 in the table of sections of chapter 247 is amended to read as follows:

"24701. National rail passenger transportation system."

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 and the item relating thereto in the table of sections for chapter 247 are repealed.

(c) DISCONTINUANCE.—Section 24706 is amended—

(1) by striking "90 days" and inserting "180 days" in subsection (a)(1);

(2) by striking "24707(a) or (b) of this title," in subsection (a)(1) and inserting "or discontinuing service over a route,";

(3) by inserting "or assume" after "agree to share" in subsection (a)(1);

(4) by striking "section 24707(a) or (b) of this title" in subsection (a)(2) and inserting "paragraph (1)"; and

(5) by striking "section 24707(a) or (b) of this title" in subsection (b)(1) and inserting "subsection (a)(1)".

(d) COST AND PERFORMANCE REVIEW.—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking "24701(a)".

SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 is amended—

(1) by striking the last sentence of subsection (a); and

(2) by striking subsection (b) and inserting the following:

"(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful."

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

(a) REPEAL.—Section 24704 and the item relating thereto in the table of sections of chapter 247 are repealed.

(b) STATE, REGIONAL, AND LOCAL COOPERATION.—Section 24101(c)(2) is amended by inserting "separately or in combination," after "and the private sector".

(c) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking "or 24704(b)(2)".

SEC. 106. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 and the item relating thereto in the table of chapters for subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301(f) is amended to read as follows:

"(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt."

(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) IN GENERAL.—Section 24305(a) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

"(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

"(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

"(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

"(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements."

(b) POLICY STATEMENT.—Section 24305(d) is amended by adding at the end the following new paragraph:

"(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation."

SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a)(3) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

SEC. 109. PASSENGER CHOICE.

Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.

SEC. 110. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION OF FOIA.—Section 24301(e) is amended by adding at the end thereof the following: "Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy."

(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m)) applies to a proposal in the possession or control of Amtrak.

Subtitle B—Procurement

SEC. 121. CONTRACTING OUT.

(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 is amended—

(1) by striking subsection (b);

(2) by striking "(1)" in subsection (a); and

(3) by striking "(2) Wage" in subsection (a) and inserting "(b) WAGE RATES.—Wage".

(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—

(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date of the amendments made by subsection (a).

(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act.

(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

(A) the date on which labor agreements under negotiation on the date of enactment of this Act may be re-opened; or

(B) November 1, 1999, whichever is earlier;

(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and

(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

(d) NO INFERENCE.—The amendment made by subsection (a)(1) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.

Subtitle C—Employee Protection Reforms

SEC. 141. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—(1) With respect to the dispute described in subsection (a) which—

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board shall immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act.

SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24706(c) is repealed.

(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

Subtitle D—Use of Railroad Facilities

SEC. 161. LIABILITY LIMITATION.

(a) IN GENERAL.—Chapter 281 is amended by adding at the end the following new section:

"§28103. Limitations on rail passenger transportation liability

"(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury to a passenger, death of a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others. If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.

"(2) The aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed \$200,000,000.

"(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.

"(c) MANDATORY COVERAGE.—Amtrak shall maintain a total minimum liability coverage for claims through insurance and self-insurance of at least \$200,000,000 per accident or incident.

"(d) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq., popularly known as the 'Federal Employers' Liability Act') or under any workers compensation Act.

"(e) DEFINITION.—For purposes of this section—

"(1) the term 'claim' means a claim made—

"(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

"(B) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

"(2) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future; and

"(3) the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car."

(b) **CONFORMING AMENDMENT.**—The table of sections for chapter 281 is amended by adding at the end the following new item:

"28103. Limitations on rail passenger transportation liability."

SEC. 162. RETENTION OF FACILITIES.

Section 24309(b) is amended by inserting "or on January 1, 1997," after "1979,".

TITLE II—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) is amended by adding at the end thereof the following: "Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit."

SEC. 202. INDEPENDENT ASSESSMENT.

(a) **INITIATION.**—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak, and independent of the Department of Transportation, to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity's statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General's Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.

(b) **ASSESSMENT CRITERIA.**—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described in subsection (a), using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.

(c) **CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.**—The independent assessment shall take into account all relevant factors, including Amtrak's—

- (1) cost allocation process and procedures;
- (2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;
- (3) Strategic Business Plan, including Amtrak's projected expenses, capital needs, ridership, and revenue forecasts; and
- (4) assets and liabilities.

For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak

shall distinguish between that portion of the capital required for the Northeast Corridor and that required outside the Northeast Corridor, and shall include rolling stock requirements, including capital leases, "state of good repair" requirements, and infrastructure improvements.

(d) BIDDING PRACTICES.—

(1) **STUDY.**—The independent assessment also shall determine whether, and to what extent, Amtrak has performed each year during the period from 1992 through 1996 services under contract at amounts less than the cost to Amtrak of performing such services with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance.

(2) **REFORM.**—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

(e) **DEADLINE.**—The independent assessment shall be completed not later than 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

SEC. 203. AMTRAK REFORM COUNCIL.

(a) **ESTABLISHMENT.**—There is established an independent commission to be known as the Amtrak Reform Council.

(b) MEMBERSHIP.—

(1) **IN GENERAL.**—The Council shall consist of 11 members, as follows:

- (A) The Secretary of Transportation.
- (B) Two individuals appointed by the President, of which—
 - (i) one shall be a representative of a rail labor organization; and
 - (ii) one shall be a representative of rail management.
- (C) Three individuals appointed by the Majority Leader of the United States Senate.
- (D) One individual appointed by the Minority Leader of the United States Senate.
- (E) Three individuals appointed by the Speaker of the United States House of Representatives.
- (F) One individual appointed by the Minority Leader of the United States House of Representatives.

(2) APPOINTMENT CRITERIA.—

(A) **TIME FOR INITIAL APPOINTMENTS.**—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) **EXPERTISE.**—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

- (i) may not be employees of the United States;
- (ii) may not be board members or employees of Amtrak;
- (iii) may not be representatives of rail labor organizations or rail management; and
- (iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(3) **TERM.**—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

(4) **CHAIRMAN.**—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or

(B) 45 days after the date of enactment of this Act.

(5) **MAJORITY REQUIRED FOR ACTION.**—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) **ADMINISTRATIVE SUPPORT.**—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

(d) **TRAVEL EXPENSES.**—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(e) **MEETINGS.**—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(f) **ACCESS TO INFORMATION.**—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.

(g) DUTIES.—

(1) **EVALUATION AND RECOMMENDATION.**—The Council shall—

- (A) evaluate Amtrak's performance; and
- (B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) **SPECIFIC CONSIDERATIONS.**—In making its evaluation and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including—

(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(3) **MONITOR WORK-RULE SAVINGS.**—If, after January 1, 1997, Amtrak enters into an agreement involving work-rules intended to achieve savings with an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—

(A) the savings realized as a result of the agreement; and

(B) how the savings are allocated.

(h) **ANNUAL REPORT.**—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of—

- (1) Amtrak's progress on the resolution of productivity issues; or
- (2) the status of those productivity issues, and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the

Council such sums as may be necessary to enable the Council to carry out its duties.

SEC. 204. SUNSET TRIGGER.

(a) **IN GENERAL.**—If at any time more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act, the Amtrak Reform Council finds that—

(1) Amtrak's business performance will prevent it from meeting the financial goals set forth in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act, then the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) **FACTORS CONSIDERED.**—In making a finding under subsection (a), the Council shall take into account—

(1) Amtrak's performance;

(2) the findings of the independent assessment conducted under section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; and

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) **ACTION PLAN.**—Within 90 days after the Council makes a finding under subsection (a)—

(1) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(2) Amtrak shall develop and submit to the Congress an action plan for the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

SEC. 205. SENATE PROCEDURE FOR CONSIDERATION OF RESTRUCTURING AND LIQUIDATION PLANS.

(a) **IN GENERAL.**—If, within 90 days (not counting any day on which either House is not in session) after a restructuring plan is submitted to the House of Representatives and the Senate by the Amtrak Reform Council under section 204 of this Act, an implementing Act with respect to a restructuring plan (without regard to whether it is the plan submitted) has not been passed by the Congress, then a liquidation disapproval resolution shall be introduced in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. The liquidation disapproval resolution shall be held at the desk at the request of the Presiding Officer.

(b) **CONSIDERATION IN THE SENATE.**—

(1) **REFERRAL AND REPORTING.**—A liquidation disapproval resolution introduced in the Senate shall be placed directly and immediately on the Calendar.

(2) **IMPLEMENTING RESOLUTION FROM HOUSE.**—When the Senate receives from the House of Representatives a liquidation disapproval resolution, the resolution shall not be referred to committee and shall be placed on the Calendar.

(3) **CONSIDERATION OF SINGLE LIQUIDATION DISAPPROVAL RESOLUTION.**—After the Senate has proceeded to the consideration of a liquidation disapproval resolution under this subsection, then no other liquidation disapproval resolution originating in that same House shall

be subject to the procedures set forth in this section.

(4) **AMENDMENTS.**—No amendment to the resolution is in order except an amendment that is relevant to liquidation of Amtrak. Consideration of the resolution for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except for perfecting amendments.

(5) **MOTION NONDEBATABLE.**—A motion to proceed to consideration of a liquidation disapproval resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(6) **LIMIT ON CONSIDERATION.**—

(A) After no more than 20 hours of consideration of a liquidation disapproval resolution, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or table.

(B) The time for debate on the liquidation disapproval resolution shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(7) **DEBATE OF AMENDMENTS.**—Debate on any amendment to a liquidation disapproval resolution shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(8) **NO MOTION TO RECOMMIT.**—A motion to recommit a liquidation disapproval resolution shall not be in order.

(9) **DISPOSITION OF SENATE RESOLUTION.**—If the Senate has read for the third time a liquidation disapproval resolution that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of a liquidation disapproval resolution for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate liquidation disapproval resolution, agree to the Senate amendment, and vote on final disposition of the House liquidation disapproval resolution, all without any intervening action or debate.

(10) **CONSIDERATION OF HOUSE MESSAGE.**—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a liquidation disapproval resolution shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(c) **CONSIDERATION IN CONFERENCE.**—

(1) **CONVENING OF CONFERENCE.**—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

(2) **SENATE CONSIDERATION.**—Consideration in the Senate of the conference report and any amendments in disagreement on a liquidation

disapproval resolution shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

(d) **DEFINITIONS.**—For purposes of this section—

(1) **LIQUIDATION DISAPPROVAL RESOLUTION.**—The term "liquidation disapproval resolution" means only a resolution of either House of Congress which is introduced as provided in subsection (a) with respect to the liquidation of Amtrak.

(2) **RESTRUCTURING PLAN.**—The term "restructuring plan" means a plan to provide for a restructured and rationalized national intercity rail passenger transportation system.

(e) **RULES OF SENATE.**—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a liquidation disapproval resolution; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 is amended by adding at the end the following new subsection:

"(h) **ACCESS TO RECORDS AND ACCOUNTS.**—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State."

SEC. 207. OFFICERS' PAY.

Section 24303(b) is amended by adding at the end the following: "The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak."

SEC. 208. EXEMPTION FROM TAXES.

Section 24301(1)(1) is amended—

(1) by striking so much as precedes "exempt from a tax" and inserting the following:

"(1) **IN GENERAL.**—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are";

(2) by striking "tax or fee imposed" and all that follows through "levied on it" and inserting "tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom"; and

(3) by amending the last sentence thereof to read as follows: "In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997."

SEC. 209. LIMITATION ON USE OF TAX REFUND.

(a) **IN GENERAL.**—Amtrak may not use any amount received under section 977 of the Taxpayer Relief Act of 1997—

(1) for any purpose other than making payments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act); or

(2) to offset other amounts used for any purpose other than the financing of such expenses.

(b) **REPORT BY ARC.**—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) AMENDMENT.—Section 24104(a) is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—

- “(1) \$1,138,000,000 for fiscal year 1998;
- “(2) \$1,058,000,000 for fiscal year 1999;
- “(3) \$1,023,000,000 for fiscal year 2000;
- “(4) \$989,000,000 for fiscal year 2001; and
- “(5) \$955,000,000 for fiscal year 2002.

for the benefit of Amtrak for capital expenditures under chapters 243, 247, and 249 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.”

(b) AMTRAK REFORM LEGISLATION.—This Act constitutes Amtrak reform legislation within the meaning of section 977(f)(1) of the Tarpayer Relief Act of 1997.

TITLE IV—MISCELLANEOUS

SEC. 401. STATUS AND APPLICABLE LAWS.

Section 24301 is amended—

(1) by striking “rail carrier under section 10102” in subsection (a)(1) and inserting “railroad carrier under section 20102(2) and chapters 261 and 281”; and

(2) by amending subsection (c) to read as follows:

“(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.”

SEC. 402. WASTE DISPOSAL.

Section 24301(m)(1)(A) is amended by striking “1996” and inserting “2001”.

SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 is repealed and the table of sections for chapter 249 is amended by striking the item relating to that section.

(b) CONFORMING AMENDMENTS.—

(1) Section 24902 is amended—

(A) by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively; and

(B) in subsection (j), as so redesignated by subparagraph (A) of this paragraph, by striking “(m)”.

(2) Section 24904(a) is amended—

(A) by inserting “and” at the end of paragraph (6);

(B) by striking “; and” at the end of paragraph (7) and inserting a period; and

(C) by striking paragraph (8).

SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—

(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements required by the Americans With Disabilities Act of 1990 at any station jointly used by Amtrak and a commuter authority.

(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 407. DEFINITIONS.

Section 24102 is amended—

(1) by striking paragraphs (2) and (11);

(2) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively; and

(3) by inserting “, including a unit of State or local government,” after “means a person” in paragraph (7), as so redesignated.

SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—

(1) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “Amtrak.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(c) FEDERAL SUBSIDY.—

(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak's operations and conduct an assessment similar to the assessment required by section 202(a). The Inspector General shall report the results of the review and assessment to—

(A) the President of Amtrak;

(B) the Secretary of Transportation;

(C) the United States Senate Committee on Appropriations;

(D) the United States Senate Committee on Commerce, Science, and Transportation;

(E) the United States House of Representatives Committee on Appropriations; and

(F) the United States House of Representatives Committee on Transportation and Infrastructure.

(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.

SEC. 410. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for Amtrak);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

SEC. 411. BOARD OF DIRECTORS.

(a) AMENDMENT.—Section 24302 is amended to read as follows:

“§24302. Board of Directors

“(a) REFORM BOARD.—

“(1) ESTABLISHMENT AND DUTIES.—The Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak by March 31, 1998, or as soon thereafter as at least 4 members have been appointed and qualified. The Board appointed under prior law shall be abolished when the Reform Board assumes such responsibilities.

“(2) MEMBERSHIP.—(A)(i) The Reform Board shall consist of 7 voting members appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years.

“(ii) Notwithstanding clause (i), if the Secretary of Transportation is appointed to the Reform Board, such appointment shall not be subject to the advice and consent of the Senate. If appointed, the Secretary may be represented at Board meetings by his designee.

“(B) In selecting the individuals described in subparagraph (A) for nominations for appointments to the Reform Board, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

“(C) Appointments under subparagraph (A) shall be made from among individuals who—

“(i) have technical qualification, professional standing, and demonstrated expertise in the fields of transportation or corporate or financial management;

“(ii) are not representatives of rail labor or rail management; and

“(iii) in the case of 6 of the 7 individuals selected, are not employees of Amtrak or of the United States.

“(D) The President of Amtrak shall serve as an ex officio, nonvoting member of the Reform Board.

“(3) CONFIRMATION PROCEDURE IN SENATE.—

“(A) This paragraph is enacted by the Congress—

“(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a motion to discharge; and it supersedes other rules only to the extent that it is inconsistent therewith; and

“(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

“(B) If, by the first day of June on which the Senate is in session after a nomination is submitted to the Senate under this section, the committee to which the nomination was referred has

not reported the nomination, then it shall be discharged from further consideration of the nomination and the nomination shall be placed on the Executive Calendar.

"(C) It shall be in order at any time thereafter to move to proceed to the consideration of the nomination without any intervening action or debate.

"(D) After no more than 10 hours of debate on the nomination, which shall be evenly divided between, and controlled by, the Majority Leader and the Minority Leader, the Senate shall proceed without intervening action to vote on the nomination.

"(b) BOARD OF DIRECTORS.—Five years after the establishment of the Reform Board under subsection (a), a Board of Directors shall be selected—

"(1) if Amtrak has, during the then current fiscal year, received Federal assistance, in accordance with the procedures set forth in subsection (a)(2); or

"(2) if Amtrak has not, during the then current fiscal year, received Federal assistance, pursuant to bylaws adopted by the Reform Board (which shall provide for employee representation), and the Reform Board shall be dissolved.

"(c) AUTHORITY TO RECOMMEND PLAN.—The Reform Board shall have the authority to recommend to the Congress a plan to implement the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak's infrastructure assets and responsibilities to a new separately governed corporation."

(b) EFFECT ON AUTHORIZATIONS.—If the Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before July 1, 1998, all provisions authorizing appropriations under the amendments made by section 301(a) of this Act for a fiscal year after fiscal year 1998 shall cease to be effective. The preceding sentence shall have no effect on funds provided to Amtrak pursuant to section 977 of the Taxpayer Relief Act of 1997.

SEC. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy to the Federal government, Amtrak's creditors, and the Railroad Retirement System.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

(1) the name of the individual or firm involved;

(2) the purpose of the contract or arrangement; and

(3) the amount and nature of Amtrak's financial obligation under the contract.

This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act.

SEC. 415. FINANCIAL POWERS.

(a) CAPITALIZATION.—(1) Section 24304 is amended to read as follows:

"§24304. Employee stock ownership plans

"In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans."

(2) The item relating to section 24304 in the table of sections of chapter 243 is amended to read as follows:

"24304. Employee stock ownership plans."

(b) REDEMPTION OF COMMON STOCK.—Amtrak shall, before October 1, 2002, redeem all common stock previously issued, for the fair market value of such stock.

(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act.

(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.

(d) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) is amended by inserting "and shall not be subject to title 31" after "United States Government".

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at long last we have an Amtrak reform bill here on the floor which has strong bipartisan support. It is a bill which has the reforms in it which are so necessary. It is a bill which provides for the board, which is the creation of a new board which is constitutional and which has the degree of independence necessary to make the tough decisions. It provides for the management to be able to make decisions with regard to the route configuration. Indeed, it gives Amtrak a fighting chance to succeed and survive.

Mr. Speaker, I urge all of our colleagues to support this measure.

Mr. Speaker, I move to suspend the rules and pass the bill, S. 738, as amended.

Mr. Speaker, I rise in support of S. 738, the Amtrak Reform and Accountability Act of 1997.

Mr. Speaker, I am very pleased that we have been able to reach a bipartisan agreement on an amendment to S. 738. Over the past 24 hours, we have been able to reach consensus with our colleagues on the other side of the aisle on the issue of the Amtrak board of directors. This amendment will provide Amtrak with the reforms it so badly

needs, as well as release of the \$2.3 billion in capital funds that were provided in the Taxpayer Relief Act.

The amendment adopts the basic principles and reforms of S. 738, the bill passed by the Senate last Friday by unanimous consent, and makes limited but important changes that will ensure successful implementation of long overdue Amtrak reforms.

This amendment contains the labor, liability, and contracting-out provisions that were included in the Senate bill with no changes.

I am pleased that the reforms in this amendment will allow Amtrak, for the first time in its 26-year history, to operate more like a business and cut costs.

On the issue of labor protection, the Senate bill contains a provision that is almost identical to reforms that were included in the House bill, H.R. 2247. The provision will repeal the statutory guarantee that Amtrak provide up to 6 years of labor protection to any employee who is laid off due to a route elimination or frequency reduction to below three times per week. This issue would be sent to collective bargaining, under a 180-day accelerated bargaining process.

The current ban on contracting out any work other than food and beverage service if it would result in the layoff of a single employee would also be repealed in the Senate bill. This issue would be sent to collective bargaining, but would not be negotiable until the next round of contract negotiations, unless the parties mutually agreed to take it up before then.

The Senate bill also provides for a global cap of \$200 million on tort liability for death or injury to a passenger, or damage to property of a passenger. It also includes a requirement that Amtrak maintain insurance of at least \$200 million.

Again, on these important issues . . . labor protection, liability and contracting out . . . we are accepting the Senate compromise and making no change to it.

The one significant departure from the Senate bill in this amendment relates to the board of directors. The House amendment would replace the existing board with a new, 7-member reform board to be appointed by the President in consultation with House and Senate majority and minority leadership. New members would be required to have expertise in transportation or corporate or financial management.

The purpose of this provision is to provide a fresh start for Amtrak, and to ensure that only qualified professionals are permitted to serve on the board of directors. The amendment also allows the President to select the Secretary of Transportation as a board member. It also designates the president of Amtrak as an ex-officio, non-voting member of the board.

Mr. Speaker, these changes to Amtrak's board bill are necessary to allow the Senate-passed reforms to work.

Mr. Speaker, I believe that the Senate bill as modified by this amendment provides meaningful reform of Amtrak that will go a long way toward restoring financial viability and improving rail passenger service. It will also release the \$2.3 billion that was provided in the Taxpayer Relief Act, allowing Amtrak to make much-needed capital investments.

I urge a "yes" vote on S. 738, as amended. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us represents a compromise on Amtrak which I urge my colleagues on this side of the aisle to support, and which I say they can comfortably support. It is a compromise in which both sides have satisfied their most important objectives. While we have held divergent views on various aspects of this issue, we have had a common goal, that is, to ensure the survival of Amtrak. If we do not pass reform legislation before the end of the session, Amtrak's future will be in doubt.

Passage of this reform legislation is necessary for Amtrak to gain access to \$2.3 billion for capital improvements made available by the tax reform bill. Equally important, in December Amtrak must go to its bankers for renewal of a line of credit which it needs to meet its daily operating expenses. If the bankers should learn that the \$2.3 billion capital funding is still in doubt, they may be unwilling to renew the line of credit.

Our common goal of ensuring the survival of Amtrak could have been achieved earlier. We had differences. We have worked out those differences.

Our Republican colleagues on the committee wanted changes in the constitution of the board of Amtrak directors. We have accommodated those changes. We have worked them out. We reached agreement on a process for reforming the board of directors. Under this process, the directors will be appointed in a manner which is fair to the men and women of the Amtrak work force and which is fair to the American public which owns Amtrak through the Department of Transportation.

The manner of selecting the board preserves the constitutional authority of the President and of the Congress. In addition, we have developed a selection process that ensures that there will be an orderly transition; specifically, that the old board will not be terminated until the new board is ready to assume its responsibilities. The compromise also assures that the Secretary of Transportation who represents the public as owner of Amtrak may, I emphasize may, continue to serve on the board, and that the president of Amtrak will continue to participate in the board process, but not as a voting member.

Mr. Speaker, I want to emphasize that accepting this compromise does not mean that on my part I am dissatisfied in any way with the existing board. In my opinion, they have done an outstanding job of guiding Amtrak to make the best possible business decisions with limited resources available. I especially commend the board

for their negotiations with the BMW which produced an agreement which is fair to workers and protects Amtrak's financial interests.

The bill does not prohibit the President from reappointing any member of the existing board to the new board. That possibility remains open. In fact, I believe that reappointment of some members would have the desirable effect of ensuring continuity.

Under the bill before us, Amtrak would have a board of 7 Members appointed by the President and confirmed by the Senate. In making the selections, the President would consult with the majority and minority leadership of the House and the Senate. However, neither the majority nor the minority would have the right to exclusive consultation for any specific seat or number of seats. The board Members will be individuals with technical qualifications, professional standing, and demonstrated expertise in transportation or corporate or financial management, and the president, as I said a moment ago, would be a nonvoting member of the board.

Mr. Speaker, adopting this bill will end the uncertainty that has clouded Amtrak's future for the past 3 years. Amtrak will get the capital it needs to modernize. It will be able to continue playing its vital role in our national transportation system.

Mr. Speaker, it has been a long and difficult journey, but we have reached a point where we can see the end of the journey. I want to thank my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of our committee, for sticking with it and for working with us to achieve an acceptable outcome.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding, and I also want to thank him for helping correct a shortcoming in the Senate bill that emerged from there with respect to those States that are not currently served by Amtrak. There was a provision in the Senate bill which has been corrected over here, and I appreciate the chairman's help in correcting that, which would allow those States who are not currently served by Amtrak to also be able to access the \$2.3 billion, and there has been a set-aside of 1 percent.

I would further add that we had prepared an amendment at one point that would address that and allow those States that are not served by Amtrak to find some uses for the funds that have been set aside, and I would appreciate the chairman of the Committee on Transportation and Infrastructure as well as the chairman of the House Committee on Ways and Means to work

with me to find a method in which we can address that shortcoming in this particular bill. I look forward to doing that, and I thank the distinguished chairman for yielding.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very good moment, a very good day, and there are a lot of thanks to go around, obviously to the gentleman from Pennsylvania [Mr. SHUSTER] for bringing this bill to the floor and for his efforts to reach a compromise. A lot of discussions have taken place over the last 24 hours, certainly thanks go to the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], who has steered our side and held us firm and has had his hand firmly on the throttle as we moved forward.

I also think some thanks are due to a lot of Members, too many to name, but Republican and Democrat alike, on and off the Committee on Transportation and Infrastructure, who worked very hard on this. Thanks go to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, who has made sure and stressed continually the need to do something about Amtrak.

I would also like to recognize the board of directors of Amtrak, the present board of directors, who have worked tirelessly not only in resolving labor matters prior to this, but also in working to fashion this bill and to make sure that we were aware of all of the ramifications of our decision. I would particularly like to thank our former colleague, the Governor of Delaware, Tom Carper, who has been constantly on the phone, constantly working as a member of the board, but also one very devoted to making sure Amtrak not only survives but thrives. Also, of course, the Secretary of Transportation, Rodney Slater, who has been very active as well.

Mr. Speaker, this is a compromise, and yesterday when we were here on the floor, I was perhaps most vocal in saying that if something was not done within the next 24 hours the chance was that Amtrak would not survive as we know it and that Congress had to act before Congress goes home tonight or tomorrow.

The good news is that this compromise has been achieved because of the good efforts of everyone involved, Republican and Democrat alike, as well as the administration. It deals with the previously controversial areas of legal liability for Amtrak. People came to the table and reached agreement. We have resolved issues dealing with labor, and labor has put on the

table and management has put on the table certain compromises and concessions which have been made. And it deals with the controversial area of the new board of directors.

So all of the controversial areas have been worked out: the legal liability of Amtrak, labor issues, and the new board of directors.

What does this compromise permit to happen now? Most significantly, passage of this bill means that Amtrak, in December, can go to the banks with a new authorization and able to extend their line of credit to continue operating and to become viable. More significantly than that, passage of this reform legislation means that Amtrak can begin drawing down \$2.3 billion worth of capital for capital investment purposes, for instance, improving the new high-speed corridor in the Northeast and buying high-speed locomotives.

So what Amtrak can do is, A, extend its line of credit and, B, begin drawing down \$2.3 billion for capital investment. Now Amtrak begins restructuring itself, and hopefully to become the viable instrument that we all want.

The good news is that whether one rides the Metroliner, the Cardinal or the Capital Limited in West Virginia, the Texas Eagle or wherever, all of these lines now have a future and have a much better promise ahead of them than what existed prior to this Congress acting. Amtrak now has a future, and it is because of the hard work of a lot of the men and women in this body on both sides of the aisle.

Mr. Speaker, I thank my colleagues for the efforts that have been made, and I urge quick passage of this bill.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to add a technical modification on page 25, line 14, before the word "(A) date" add the word "the."

The SPEAKER pro tempore. Without objection, the original motion is withdrawn, and the gentleman from Pennsylvania is recognized for a new motion.

There was no objection.

The SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. For the information of the Members, the Clerk will report the modification of the motion.

The Clerk read as follows:

Page 25, line 14 of the proposed amendment, insert "(A) the" before "date."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time.

I congratulate all who had anything to do with putting this together, particularly the gentleman from Pennsylvania [Mr. SHUSTER]. Just 24 hours ago, it was very dark as far as the future of Amtrak was concerned, and a lot of us were pleading to sit down and see if this could be worked out.

A lot of individuals undertook to do that, and that is in the best interests of this country. We have resolved the problems of the labor issues, the problems of the legal liability issues, the problems of the board issues that were so important. Hopefully now, with the release of the capital improvement money as well as what we are doing in this reauthorization, Amtrak can become self-sufficient once and for all by the year 2002.

We must improve passenger rail service. We are at the heart of it in Wilmington, DE. It is of vital importance to us. Our Governor is very involved, is on this board. But I think we have an obligation to make passenger rail service in the United States of America as great as our highway system is, our air system, which is the greatest in the world. It is going to take a lot of work to do it, but we have set the stage so that that can be done. So everybody that had anything to do with the resolution of this, I thank my colleagues and the country thanks to you, and we will see the benefit that will come from it.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me thank my friend, the gentleman from Minnesota [Mr. OBERSTAR], for yielding me this time, and really congratulate the gentleman from Pennsylvania [Mr. SHUSTER] and the ranking member for bringing this legislation forward.

As the gentleman from Delaware [Mr. CASTLE] pointed out, this has been a tough battle. We have had differences as to what the reform should look like and what should be included in it, and at jeopardy was the life of Amtrak. It has been a pleasure to work with my colleague, the gentleman from Delaware [Mr. CASTLE] on the legislation initially to provide for the authorization for the \$2.3 billion, and to work with the committee.

At stake in the passage of this bill literally is the light passenger rail service in the United States. That is important to all regions of this country. In the Northeast we are particularly concerned about the high-speed rail and the implementation of high-speed rail. This legislation provides for the necessary reform of Amtrak.

The chairman of the committee, the gentleman from Pennsylvania, [Mr. SHUSTER], and the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], have negotiated very well with the other body, with the administration, and have now brought forward legislation that can pass both bodies and be signed by the President. That is a major accomplishment and one just 24 hours ago many of us thought would not be possible.

I really want to applaud the efforts of all involved. We are now at the threshold really of providing the congressional program so that Amtrak can move into the next century, they can be an efficient passenger rail service for our Nation, providing a service that is critical to all regions of our Nation, and I urge my colleagues to support this legislation.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

□ 1645

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I just want to say, when people really put their feet to the grindstone, we get things done. I just want to commend the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from West Virginia [Mr. WISE], because had the pressure not been kept on, we would not have saved Amtrak.

Amtrak will be saved by this legislation, in my opinion. It means so much to my district in the Hudson Valley. I just truly want to thank the gentlemen, because if they had not persevered, it would not have happened. I thank the gentlemen so much.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise today to support the Amtrak authorization legislation before us. This is not the be all and end all that will save intercity passenger rail as we know it forever, but it does save Amtrak at least for the time being.

This legislation allows \$2.3 billion that was previously appropriated to be invested in Amtrak. That money is vital for Amtrak's survival. I am especially pleased that a conclusion has been reached to this impasse on this legislation, since my district contains Penn Station in New York City, the largest Amtrak station in this country.

Amtrak is not only vital to intercity passengers, it is also the tracks in the Northeast corridor which carry commuter trains into New York City. These commuter trains bring millions of people into and out of New York City and Philadelphia and other cities

in the Northeast corridor every day. Without adequate funding, the daily operation and safety of these tracks could come into question.

Additionally, Amtrak employs over 20,000 people. It would have been shameful to allow these hardworking men and women to lose their jobs when \$2.3 billion was waiting for them just on the other side of the tracks, or just on the other side of the impasse over this legislation. These tracks will be crossed today, and Amtrak, its employees, and, most of all, the passengers will benefit from our action.

Mr. Speaker, this is good legislation for now. But I must say, I do not approve of the fundamental direction we are heading in, in which we say Amtrak must be self-supporting or else. I do believe that fundamental infrastructure such as passenger rail may need and should get government subsidy and government operating subsidies.

That is not being done now under this legislation, and it is not in the cards politically in the near future, but I do believe that eventually we will come back to it, because we must maintain a national rail network, a national passenger rail network, not simply on corridors which can be made profitable; we must preserve service and increase service all over the country.

For now, this is good legislation. I commend those who have participated in drafting it and on reaching agreement on it. I would urge all Members of this body to support this bill today.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the kind words of the chairman of the Committee on Rules and thank him for his support in helping us move this legislation forward and in crafting rules that indeed were fair and moved the process along.

I would like to just add a footnote to the comment of my colleague, the gentleman from New York. While I respect his view, the objective of this legislation and what has moved us in this direction is a fervent hope that we will, through this legislation, move Amtrak to self-sufficiency, not dependence on public subsidy. That is, I think, an underlying element that has made possible these compromises.

Mr. Speaker, again, I want to thank the gentleman from Pennsylvania [Mr. SHUSTER] for his perseverance, for the good fellowship and cooperation, and the frankness and fairness of our discussions, and for the result that we can all celebrate this afternoon.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to congratulate and recognize my colleague, the gentleman from Minnesota [Mr. OBERSTAR], as well as the gentleman

from West Virginia [Mr. Wise], and all the members of our committee who have worked so hard on this very complicated issue. The employees of Amtrak, the management of Amtrak, Secretary Slater, the administration, the other body, I think there is plenty of credit to go around for working our way through this very difficult issue.

I think we particularly should recognize the absolutely extraordinary job our staff has done, Glenn Scammel, Alice Tornquist, Jack Wells, Trinita Brown, Debby Hersman, really putting in unbelievable hours, as well as tremendous competence to make this all possible.

Mr. Speaker, today the House of Representatives and the Senate took a major step forward in ensuring that passenger rail service in this country has an opportunity to survive. By passing an amendment to S. 738, the "Amtrak Reform and Accountability Act of 1997" and forwarding it to the President, Congress is creating an atmosphere in which Amtrak, its employees and its passengers have an opportunity to make Amtrak succeed and work in a more businesslike manner.

Several questions have arisen in recent days over the impact that S. 738 would have on the \$2.3 billion that was made available in the Taxpayer Relief Act of 1997 and over the effect of certain limitations that Act could have on non-Amtrak States.

My colleague on the Transportation and Infrastructure Committee, Congressman JOHN THUNE of South Dakota, has been at the forefront on the issue of potential impacts of both the Amtrak reform bill and the Taxpayer Relief Act on non-Amtrak States. For example, he has previously pointed out that the Taxpayer Relief Act, while setting aside some funds for surface transportation improvements in non-Amtrak States, does so in a way that might not give those States the flexibility they need. Mr. THUNE and Ways and Means Committee Chairman ARCHER have stated their intent to work together to address Mr. THUNE's concerns as that committee considers appropriate tax legislation in 1998.

Another issue potentially affecting the non-Amtrak States arose in the context of House deliberation on the Senate-passed version of S. 738. Section 209 of that bill included language that was intended to assure that the \$2.3 billion would not be used for purposes not envisioned in the Taxpayer Relief Act. However, section 209 was inadvertently written a way that could have been interpreted as shutting off funds to non-Amtrak States. In the final stages of negotiating the House amendment to S. 738, and with the technical assistance of the Ways and Means Committee and the Senate Finance Committee, we were able to include an amendment to clarify that non-Amtrak States will indeed be able to use funds made available for them in the Taxpayer Relief Act. Once again, Congressman THUNE's effort in securing this clarification was instrumental in assuring that South Dakota and other non-Amtrak States will get their fair share of the Amtrak funds.

We have assured that the Amtrak reform bill will not jeopardize funding being made available to South Dakota and other non-Amtrak

States. Furthermore, the groundwork has been laid for addressing use of the \$2.3 billion in subsequent legislation. I commend Congressman THUNE's dedication and leadership in both instances in addressing the transportation concerns of non-Amtrak States.

Mr. THUNE. Mr. Speaker, I would like just a few minutes to address concerns I have as the lone representative from the State of South Dakota. South Dakota is one of six States that do not have intercity rail passenger service. As a result, I drafted an amendment to H.R. 2247, the Amtrak Reform and Privatization Act of 1997. I worked closely with the Gentleman from Pennsylvania, Mr. SHUSTER, on the legislation that would have amended a provision contained in the Taxpayer Relief Act of 1997. I worked with my colleagues from other States not served by Amtrak, including Alaska, Hawaii, Maine, Oklahoma, and Wyoming.

The amendment, though very narrow in scope, ran into jurisdictional concerns. Although it deals directly with transportation needs, the amendment actually makes a correction to the Taxpayer Relief Act of 1997 relating to tax refunds for the National Railroad Passenger Corporation [Amtrak].

Put simply, the tax provision would provide Amtrak with access to \$2.3 billion, contingent upon passage of the bill before us today. In addition to money for Amtrak, the law also would set aside a portion of the fund for non-Amtrak States. Unfortunately, the law apparently allows such States to use the funds for very limited purposes, such as intercity passenger rail service and for intercity bus services.

My State, the State of South Dakota, presently does not have intercity passenger rail service and has not for some time. And while I am certain the State would find a way to put available funds to use for intercity bus service that is privately financed and privately operated, it may not make for the best use for those funds. That is why I presented an amendment to the Rules Committee on October 21, 1997, that would give non-Amtrak States more flexibility to use those funds.

The amendment specifically would provide flexibility to non-Amtrak States to use the funds for transportation priorities such as state-owned rail operations, rural transit and transit services for the elderly and disabled, and highway rail grade crossings projects.

While I appreciate the cooperation and work of the Chairman of the Committee on Ways and Means, the Gentleman from Texas, has concerns regarding authorizing jurisdiction of the amendment that could not be overcome. Those concerns and his willingness to work with me to address the non-Amtrak State issue in the context of a revenue measure were addressed in his letter to me dated October 21, 1997. I look forward to that opportunity.

For States that do not have rail passenger service, each of these transportation needs would be legitimate alternatives. The amendment represents sound, common sense policy that simply allows non-Amtrak States to make the best, most worthwhile use of the funds provided for transportation needs.

My colleagues in the House and the taxpayers of this Nation should have every assurance that the funds provided to non-Amtrak

States will address important transportation links in each state.

For instance, the State of South Dakota owns over 600 miles of rail lines. The State purchased these lines in the early 1980's in an effort to ensure our State would continue to have access to reliable freight rail services. It is absolutely vital to maintain the farm-to-market transportation system in my State and to other States.

Likewise, we have acute transit needs, particularly in the area of transit services for the disabled, and rural transit services. In South Dakota, the Section 5311 transit program, which helps fund rural transit services, connects our seniors, disabled individuals, and children, in 42 of the 66 counties from rural locations to nearby communities for day-to-day living needs. The 5310 program supplements these needs by targeting its assistance at seniors and disabled individuals.

The amendment finally addresses an important safety concern. As my colleagues know, constructing and maintaining rail grade crossings are an important but often expensive safety priority. At present, only 219 of 2025 crossings are signalized in the State of South Dakota. For the sake of the railroads and motorists alike, the State and those traveling through our State would benefit greatly from additional assistance to improve highway/rail grade safety crossing.

I should also mention that I explored aid to rural air facilities and service. Unfortunately, air service to South Dakota too often hangs precariously. There is little competition for commercial service but a significant demand. This situation unfortunately leads to high ticket prices and limited service. I hope to wrap aviation needs into the context of my amendment in the future. Doing so would be consistent with the spirit of the program, which is to give non-Amtrak States more options to address interstate transportation needs.

The amendment in sum helps non-Amtrak States maintain rail safety, transit for the elderly and disabled as well as the general public, and finally important freight rail needs. At the same time, it takes nothing from Amtrak, States served by Amtrak, or non-Amtrak States that would like to attract Amtrak service in the future.

Again, I thank the Chairman of the Transportation and Infrastructure Committee and the Committee on Ways and Means for their assistance and I look forward to continuing to work with them on this matter.

Mr. SHUSTER. Mr. Speaker, I urge the passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Snowbarger). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 738, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on S. 739, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m.

Accordingly (at 4 o'clock and 51 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1725

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BLUNT] at 5 o'clock and 25 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-406) on the resolution (H. Res. 330) waiving points of order against the conference report to accompany the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CALLING FOR RESIGNATION OR REMOVAL FROM OFFICE OF SARA LISTER, ASSISTANT SECRETARY OF THE ARMY

Mr. SOLOMON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 197) calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs.

The Clerk read as follows:

H. CON. RES. 197

Whereas Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs, on October 26, 1997, at a public conference held in Baltimore, Maryland, stated that "The Marines are extremists";

Whereas such a characterization denigrates 222 years of sacrifice and dedication to the Nation by the Marine Corps and dishonors the hundreds of thousands of Marines whose blood has been shed in the name of freedom;

Whereas citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend the Nation, many never to return;

Whereas the young people of America join the Marine Corps to be challenged, to be held to high standards, and to be part of something bigger than themselves;

Whereas a characterization of the Marines as "extremists", especially when made by a senior military department official with responsibility for military personnel policy, has the potential to have an extraordinarily detrimental effect on morale, recruitment, and retention not just for the Marine Corps but for all branches of the Armed Forces;

Whereas Marines and Army soldiers have fought and died side by side time and again in defense of the Nation;

Whereas the values of honor, courage, and commitment embodied by the Marine Corps are not extreme; and

Whereas to describe the Marines as "extremists" violates all rules of propriety and does not reflect the views of the American people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs, should immediately resign from office, and (2) if she does not so resign, the President should remove her from office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] and the gentleman from Missouri [Mr. SKELTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise to speak in support of this resolution I have brought before the House along with the gentleman from Pennsylvania [Mr. McHALE] my very good friend and I am sorry to see retiring fellow Marine. He is a great American. He was a great Marine. He was a great Congressman.

Sadly, Mr. Speaker, this is a very grim and unfortunate situation which has raised the ire of myself and countless others from all walks of life and particularly those who have served proudly in the military of all branches but particularly the Marine Corps. I am referring to comments made by a high-ranking official of our Defense Department who has been confirmed by the other body to support and defend the Constitution of the United States in her capacity as Assistant Secretary of the Army. Her comments have greatly insulted the United States Marine Corps and they have shattered her ability to effectively do her job as someone in charge of military personnel and reservists in the U.S. Army.

Ms. Lister's comments characterizing the Marine Corps as "extremists" is beneath contempt. I ask you to ask Captain O'Grady. Do you remember him? Who rescued him? The Marines. Ask him if he thinks they were extremists.

No amount of spin and dissembling can explain her comments. They are simply arrogant, they are wrong and entirely out of line. Attempts by Ms.

Lister to try and explain away her blatant attack on this distinguished branch of the military by saying that her comments were taken out of context does not constitute an apology, Mr. Speaker. In fact, Mr. Speaker, such quibbling and backpedaling is not an apology and is just a further insult to all of us who have worn the uniform of our country, especially those of us that served in the Marine Corps. To leave someone in this position within our Defense Department at this point would be nothing more than irresponsible.

As the United States continues to face potential combat actions in places like Iraq, and it could happen tomorrow, and have troops serving in dangerous deployments all around the world, Ms. Lister does not deserve to be in a position of special trust and of confidence within the Pentagon. The fact that she would make these comments publicly to a large group is just again irresponsible. Her statements are symptomatic, I believe, of a political correctness of the worst kind that is permeating the U.S. military. They were intemperate and if allowed to stand would constitute a major step down this slippery slope towards a military that is not prepared to do its job.

Mr. Speaker, take my word for it. We are treading on very dangerous territory here. If we do not take a strong stand now and demand the removal from office of Ms. Lister and those who share her opinions, we could seriously compromise our combat readiness and effectiveness. If the battle for the soul and the fighting spirit of all members of the Armed Forces is to be won, it has to be won by dismissing from leadership anyone who would make such irresponsible statements like this.

□ 1730

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Missourian Mark Twain once said that a person should live so that if someone says something bad about him, no one would believe it. That is the way I think the U.S. Marine Corps finds themselves today. I do not think anyone can say anything bad about the Marine Corps that would be believed. It is an honorable, wonderful part of our national defense.

But I think we should pause and take a deep breath on this matter, Mr. Speaker, and I am sure that this resolution will pass, but let us take a quick gander at the letter that Sara E. Lister, assistant secretary of the Army for manpower and reserve affairs, wrote to General C.C. Krulak, the Commandant of the Marine Corps. This is a letter of apology, and I will put it in toto in the RECORD, but let me read it and share with this body some words therefrom.

"Dear General Krulak: This letter is in reference to a quotation attributed

to me during a panel discussion sponsored by the U.S. Military and Post-Cold War Society Project of the John M. Olin Institute for Strategic Studies, Harvard University.

"I apologize to the Marine Corps and all current and former Marines for my remarks. It is unfortunate that my remarks were taken out of context. The issue under consideration was in relationship between civilian military segments of our society. In that context, we were asked to comment upon 14 scholarly papers discussing various aspects of that topic. I discussed several of the papers, including an interesting piece which was focused on the Marine Corps as an example of possible disconnects between society and the military. My point, ineptly put, was that all the services had different relationships with civilian society based in part on their culture, the size of their force, and their mission. My use of the word "extremism" was inappropriate and wrong.

"I regret that the use of this term during an academic discussion has generated a controversy that does not represent my views or those of the Army. I am well aware of the close and mutually supportive relationship between the Army and Marine Corps, both in war and in peace.

"Again, my remarks were not intended to denigrate the Marine Corps in any way. It is unfortunate that they were misplaced. The Marine Corps has a proud and honorable tradition of service to our country. Sincerely, Sarah E. Lister, Assistant Secretary of the Army."

I will put this in the RECORD, and I read it for the purpose to show that Sara Lister has done her best in her position as an individual to express her regret and apologize, and I feel certain, Mr. Speaker, that the Commandant of the Marine Corps will accept this apology and move on.

Mr. Speaker, I have spent a great deal of my efforts within the Armed Services Committee, now the Committee on National Security, working with the various services, urging them, through legislation and discussion, to create a joint atmosphere of working with each other so that the Marines work with the Army, the Navy works with the Air Force, and all of the different variations thereof.

This is a total force, and it is unfortunate that Ms. Lister's comments created this issue, and I hope that as a result of this discussion here on the floor we can put this behind us and be proud of our Marine Corps, be proud of our Army, be proud of our Navy, be proud of our Air Force, and urge them to continue to do the wonderful work that they do in protecting freedom and the interests of our country.

It is with this in mind that I make these comments, and hopefully we can, Mr. Speaker, put this issue behind us

and let it be water going on down the river.

The letter in its entirety is as follows:

DEPARTMENT OF THE ARMY, OFFICE
OF THE ASSISTANT SECRETARY,
MANPOWER AND RESERVE AFFAIRS,
Washington, DC, November 13, 1997.

Gen. C.C. KRULAK,
Commandant of the Marine Corps,
Washington, DC.

DEAR GENERAL KRULAK: This letter is in reference to a quotation attributed to me during a panel discussion sponsored by the U.S. Military and Post-Cold War Society Project of the John M. Olin Institute for Strategic Studies (Harvard University).

I apologize to the Marine Corps and all current and former Marines for my remarks. It is unfortunate that my remarks were taken out of context. The issue under consideration was the relationship between civilian and military segments of our society; in that context, we were asked to comment upon 14 scholarly papers discussing various aspects of that topic. I discussed several of the papers, including an interesting piece which was focused on the Marine Corps as an example of possible disconnects between society and the military. My point—ineptly put—was that all the services had different relationships with civilian society, based in part on their culture, the size of their force and their mission. My use of the word "extremism" was inappropriate and wrong.

I regret that the use of this term during an academic discussion has generated a controversy that does not represent my views or those of the Army. I am well aware of the close and mutually supportive relationship between the Army and the Marine Corps, both in war and in peace.

Again, my remarks were not intended to denigrate the Marine Corps in any way. It is unfortunate that they were misinterpreted. The Marine Corps has a proud and honorable tradition of service to our country.

Sincerely,

SARA E. LISTER,
Assistant Secretary of the Army.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. McHALE].

Mr. McHALE. Mr. Speaker, I thank the gentleman from Missouri for yielding this time to me.

I have to tell my colleagues, Mr. Speaker, that when I read the words of Assistant Secretary Lister in the Washington Times this morning, I was both stunned and dismayed. Her comments were needlessly embarrassing to one of our Nation's great military services, the United States Army.

As I read her comments, I realized that professional rivalry between the services is perhaps inevitable, even healthy. However, the comments that were attributed, I think accurately, to Assistant Secretary Lister were irresponsibly caustic. They were not taken out of context, they were not misinterpreted, they were simply wrong. Unfortunately for Assistant Secretary Lister, she was simultaneously articulate and foolish.

By contrast, Mr. Speaker, just the other day, on November 10, the United States Marine Corps celebrated its 222d birthday. At that celebration and by

his presence, showing what I believe was the kind of respect that the services owed to one another, was the Chief of Staff of the Army, General Reimer. At that memorial service, where several thousand Marines had gathered, one Army general in uniform sat quietly in tribute to a brother service.

I would certainly hope that on all occasions senior officials in uniform and in civilian clothes from the United States Marine Corps would pay equal tribute to the United States Army. Assistant Secretary Lister is entitled to her opinion, and if she were a private citizen and not the Assistant Secretary of the Army, I do not believe this issue would be brought before the House today. But she spoke in an official capacity and should be held responsible in that capacity.

In my view, Mr. Speaker, Assistant Secretary Lister should immediately and unequivocally, unlike the statement read by the gentleman from Missouri, unequivocally rescind her statements, apologizing appropriately, or she may, in the alternative, defend her judgment and then retire to private life. No senior official holding her views, absent a blunt apology, should remain in a policy-making position within the Department of Defense.

If I could deliver a bottom line, Mr. Speaker, it would be this: Contrary to the outrageous rhetoric inappropriately used by Assistant Secretary Lister, the very best people I have ever met have been called lance corporal in the United States Marine Corps. I rise therefore in strong support of the Solomon resolution.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I correct the gentleman, it is the Solomon-McHale resolution.

Just to respond, Mr. Speaker, because my very good friend, the gentleman from Missouri [Mr. SKELTON], who is one of the most distinguished and respected Members of this body, mentioned that Ms. Sara Lister was speaking as an individual. Here is the program, and she is listed as the Honorable Sara Lister, Department of the Army. She spoke in an official capacity, and I am going to get a copy of the tape, and I want every one of my colleagues to listen to that tape, and then they will share my view completely.

Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I compliment the gentleman from New York [Mr. SOLOMON] for bringing this legislation and my good friend and colleague, lieutenant colonel in the Reserves, the gentleman from Pennsylvania [Mr. MCHALE].

I also have been a very good listener of my friend, the gentleman from Missouri [Mr. SKELTON], and I agree with him, it is always moments to take a

deep breath and not act on emotion, and I always follow that advice of my colleague. But this is also a comment that was made in official capacity with a tongue-in-cheek apology.

These comments were not taken out of context. As a matter of fact, I would respect Sara Lister even more if she had stood her ground and said, I said it, I mean it, that is how I have always felt. That is not what she is saying.

Now let me share something else. Over the past year, in dealing with the issues on gender and race in the United States military, my colleagues, see, I do not separate slanderous comments from one versus the other. If someone makes a slanderous comment on race, sure enough, whether it is their opinion, they will be called before immediately. Well, if someone makes a slanderous remark in gender or in reference to some other institutions, this is pretty insulting.

I strongly support this resolution and call for the immediate resignation of the Army Assistant Secretary Sara Lister. I believe it is imperative for our military leaders to fully respect and earn the respect of the men and women who are willing to make the ultimate sacrifice to protect and defend our country. How sad that, as the rest of the Department of Defense is working so diligently to advance the notion of joint operations, the Army's Assistant Secretary for Manpower and Reserve Affairs would spew such a divisive statement in a public forum with regard to her demeaning comments of the Marine Corps. These comments show a total lack of understanding for the unique mission and tremendous value system of the Marine Corps as well as that of the United States Army of which she leads.

I fail to understand how the values of honor, courage, commitment can be considered extremist and a little dangerous. Our Nation should be proud of the commitment each of our military services makes in instilling a strong sense of values into men and women who serve, something that, unfortunately, is missing in society today.

How sad, when the uniformed leadership in the Army is leading initiatives to establish joint exercise forces to optimize the synergistic abilities of the Nation's forces, that the chief personnel official of the United States Army would make such a blatant, albeit sophomoric, attack on the Army's partner in land battle.

How sad, when the rest of the Pentagon struggles in concert to address the future challenges of a largely undefined world stage, that such a key figure in the Army's hierarchy would devote her time on a stage provided by Harvard's Olin Institute of Strategic Studies to make such an unjustified, demeaning statement against the honored component of the Nation's defense.

How sad that as a panel member in the forum dedicated to civil/military relations, Ms. Lister so completely justified in growing the perception of a widening schism between the military and the liberal element of the social elite.

The saddest of all is how sad anyone is reading the Washington Times headline, quote, "Top Army Woman: Marines extremist," might think even for a moment that this was the top woman in the Army. That brings disservice upon many of the men and particularly the women who serve in the military today.

I strongly urge the President and the Secretary of Defense to fully review her comments to determine whether they are consistent with the administration's views of the contributions to the military services. More importantly, before they consider Ms. Lister as a candidate for the Secretary of the Army, the President and the Secretary of Defense must decide whether her comments reflect the proper level of respect for our military members necessary to be an effective civilian leader and to achieve the credibility of the military leadership for our country to continue to field the best fighting force.

It is critical for the service secretaries and the service chiefs to be able to work together effectively. It is also critical that the civilian leaders in the military understand and respect the unique missions and contributions of each of the military services.

I urge my colleague to support the Solomon-McHale resolution and to send a strong signal that this country's Marine Corps as well as each of the other services, that Congress does appreciate and respect their dedicated service despite Sarah Lister's demeaning remarks.

Mr. SKELTON. I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, let me join the Members with their concern about what the Assistant Secretary said, but let me also say I just talked to her, and she says that she was taken completely out of context. I think we should give her an opportunity to appear before the committee and let her have her say.

Now she is in the process. She has already resigned. She is in the process of leaving the job. She resigned several months ago, and it just seems to me that, as terrible as what was reported that she said, she should have an opportunity to say to a committee what she said, and give her an opportunity to explain.

For instance, it was recorded in the press that she is for women in combat. She says she denies that, she is not for women in combat, and many of the things that she says have been reported are inaccurate.

□ 1745

So it just seems that for us to take precipitous action on something like this, without giving her an opportunity, is unfair to her, whether you agree with her philosophically or not. I certainly do not know enough about what she said or what her position is to be able to judge whether she is right or not, but it seems before we rush to condemnation, that we should give her an opportunity to appear before a committee and have her say about these comments she has made.

She is shattered by what has happened. She has the highest regard for the Marine Corps. She says she started her career working closely with the Marine Corps, and everything she told me personally, just a few minutes ago on the phone, was that she has the highest regard, and she feels absolutely devastated that these comments she made were, as she says, taken out of context.

Now, whether they were or not, I do not know. But I do know I think that we should give her an opportunity to come before a committee and explain what she said, what the circumstances were, and exactly what she meant by these comments.

Mr. Speaker, I would ask the Chairman, who I have such a high regard for, and he and I have served on so many committees, and he is a recipient of the Iron Mike Award, but if he would not consider allowing, perhaps allowing this go to committee, and allow the committee to take this up and discuss it with her before we rush to a vote on this very delicate situation, which could chastise the woman who is serving in this position, maybe prematurely and unfairly, possibly.

I do not know. I am not judging. I am just asking that we might be able to do something here that would be a little less onerous and perhaps give her an opportunity to have her say.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for the gentleman from Pennsylvania [Mr. MURTHA]. He is one of the finest Members of this body. I want him to go and listen to the tape, and then make the same speech he just made. He will change his mind.

This is what she said: "The Marines are extremists. Wherever you have extremists, you have got some risk of total disconnection with society, and that is a little dangerous."

Then she goes on and she cites, "The Marine Corps is, you know, they have all these checkerboard fancy uniforms and stuff."

What does she mean by that "checkerboard," my good friend? You know what she means. She means the medals the Marines are wearing. It is the only checkerboard on a uniform.

Mr. MURTHA. Mr. Speaker, will the gentleman yield for a comment on the uniform?

Mr. SOLOMON. I yield 1 minute to my friend, the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. She says that she was not the one that made the comment about the uniform. She says absolutely it was the woman who was on the panel, and she did not say one word about the uniform.

That is what I am saying, there was some confusion. That is what she said. Now, I can only tell you what her comments were.

Mr. SOLOMON. Mr. Speaker, I will have a copy of the tape on the gentleman's desk tomorrow.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, there are not two more Members I respect more than the gentleman from Missouri [Mr. SKELTON] and the gentleman from Pennsylvania [Mr. MURTHA].

I have not heard the tape. I will listen to it tonight, if I can. If that is the case, then, yes, she should have her day. But the problem is the day will be 2 or 3 months from now, when all this issue is dead.

Joe Paterno, one of my favorite coaches at Penn State, told a story when I was in a football clinic. He said his dad was in the Army and hated the Marine Corps. He said they were a bunch of peacocks.

You can imagine Joe Paterno's amazement and the father's amazement and this old Italian family when his oldest brother came up and said he was going to join the Marine Corps. The father in his old way said, "Go off, my son, and become a peacock." And he did. This is a son that never spoke back to his father a day in his life in that old Italian family.

The day he came back after boot camp in his finery, his father said, "Look, here is that peacock." And a man that had never spoken an ill word to his Italian father in his life put his finger in his chest and says, "Don't you ever say anything bad about the United States Marine Corps. It can lick any 10 Army regiments." The gentleman from California [Mr. HUNTER] would disagree with that.

But his whole idea was how do you collectively take a mind and mold it into a fighting machine with respect, and he took that same esprit de corps and turned it into the Penn State football team. And he talks about tradition.

What this gentlelady has just done is violate that tradition, and we cannot accept that kind of character, or lack of character, in the leadership of the Department of Defense. We can neither accept nor tolerate it. And, in my opinion, if the allegations are true, this gentlelady has no place, because the position of leadership in the military is not just a position, it is a guidepost for men and women in all the services.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can only hope that when the dust settles out of all of this, that wonderful United States Marine Corps, that great Army that we have, as well as the outstanding Navy and the Air Force that we have, will continue to work together in a joint atmosphere without rancor, without grudges, and let this be water that goes down the river.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST], a very distinguished former Marine. He is a very quiet guy, but I think you will like what he has to say. He is a very serious Member of this body.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from New York for yielding. I would like to echo the words of my good friend and colleague, the gentleman from Missouri [Mr. SKELTON], that we need to release our feeling of anger and rancor and let this go down the stream and flow out into the gentle waters.

We are all Americans, whether it is the Army, the Navy, the Marine Corps, the Air Force, the Coast Guard, the Merchant Marine. Whoever it is, we all serve this country in a way that we feel is right.

We are reacting now to some words that we do not agree with. But the positive part of those words, which I think were ill-spoken, the positive part of those words, which I think we all should not agree with, is that we are here to discuss that we as Americans in the military that serve our country do so in the proudest condition that we can. We believe in this country and we believe in freedom, so those in the military service are going to lay down their lives, which is the best gift that they can give, for their country. We consistently give words of encouragement to those soldiers, sailors and marines in lonely areas around the country.

I would just like to relay a very short story when I was in the service as a young marine with other young Marines, to give some sense about the military service.

Whenever we would cross this rice paddy in Vietnam, we would be shot at by a sniper. So we decided one day to send across this rice paddy some decoy marines, and then some of us would go around and find out where the sniper was.

We did that. The decoys went across the rice paddy. We went around, and from the "hootch" grass hut we could see some firing. We went into the grass hut, and we found a very old man with one leg, an old woman, about in their nineties, and a little girl about 10.

Well, we started to remove the old man. We were going to take him in because we assumed he was the sniper.

The old woman sat on a little stump and started to cry. The little girl began screaming and pulling at our uniforms, desperate not to let this old man, maybe her great grandfather, go. She thought she would never see him again.

So we young marines, trained for combat, stopped. We looked into the eyes of the old man, and the woman stopped crying, in desperate fear, wondering what we were going to do next. We looked into the eyes of the old man, and I can still see his eyes. He had for an instant striking fear in his eyes, not knowing what we were going to do. And then the fear turned to curiosity, the curiosity turned to friendship, and we looked at this old man as a human being.

We simply let him go, and we walked away. We were never shot at again when we crossed that rice paddy. But we young marines, trained for desperate combat, found in this man a sense of common humanity, and that is what all the military services are about.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM JOHNSON], someone I think we can all certainly believe. He was a prisoner of war for 6 years and 10 months, and who in the world could ever live through that, but the gentleman from Texas did.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would say to the gentleman from Missouri [Mr. SKELTON], I appreciate his position, I really do. I just cannot believe that we as a country have sunk to this level, where we have a high-level Clinton administration official referring to a branch of our military, in this case the Marine Corps, as being "extremist" and "dangerous to society." The testimony you just heard is she does not say that. According to Mr. SOLOMON, this is all on tape. It is her words. It is not taken out of context.

These types of comments are not just unacceptable, but they are false, and a telling sign of disdain for the military by this administration. And no response, you might notice no response has been given by the Secretary of the Army, and this lady, even though it has been said she has resigned or is intending to resign, is being considered for the post of Secretary of the Army. It is unbelievable.

How many times have we seen in a country like ours bravery and ultimate sacrifice by one of our Armed Services?

I was in the Air Force, but the United States Marines showed their colors in the Pacific during World War II; in Korea, where I fought at the Chosin Reservoir; in Vietnam, where I was a POW in Khe Sahn; or the numerous evacuations of our citizens who have been endangered for no other reason than just being an American. Our Marines have been there.

The Secretary, it has been said, went on to mock the Marine uniform. "They

have all got on these checkerboard fancy uniforms, but the Army is sort of muddy boots on the ground."

Do you know that the Marines are our ceremonial troops? Do you think that our Embassies around the world would love to have muddy boots guarding our Embassies in a ceremonial fashion? I do not think so.

I suggest the Secretary ask Captain Scott O'Grady what his opinion is of the Marine uniforms of those men who pulled him out of Bosnia, and what they were wearing. I think she would be enlightened, to say the least.

I am not here to enlighten the Secretary, or our Congress. I just think that that conduct is inexcusable and should result in immediate dismissal. The sacrifices that Marines, and, for that matter, all our Armed Forces, have made should not be subject to administration comments that are childish and dishonorable.

I believe Secretary Lister must go, and I hope, Mr. President, that you are listening.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, I rise in support of this resolution. I do it on behalf of not only myself, but my oldest son, who I am proud to say serves in the U.S. Marines, and his family, my other four children and their mother.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Florida [Mr. SCARBOROUGH]. I wish I had more time to give him. We are just out of time.

Mr. SCARBOROUGH. Mr. Speaker, this is truly a very bad time for us. I wish Ms. Lister, instead of going to this Harvard symposium, would have been where I was a week ago and seen the 222nd birthday of the United States Marine Corps, and hear the commandant talk about the legend of Bella Wood in World War I, or talk about what happened at Iwo Jima in World War II, or talk about Khe Sahn or Inchon, or what the Marines did there, or look at what happened in Lebanon in 1980s.

What gets me is this same administration that has shown contempt for readiness in the name of political correctness in the 1990s may have contempt for the Marines, may be elitist and have elitist attitudes, but every time there is a problem halfway across the world, they have no problem picking up the phone and dialing their 911, and that continues to be and has always been, for 222 years, the United States Marine Corps.

□ 1800

Let us forget the spin control, let us forget the apologies. They are too late. She must resign and leave her position at once.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to my very good friend, the

gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I am personally incensed at these comments. My father was a civilian and fought with the Marines on Wake Island and spent 4 and a half years in a Japanese prison camp with those Marines. I represent the largest Marine base in the United States, Camp Pendleton. It is in the heart of my district. Fifty-five thousand Marines are incensed at what this lady has said. Calling them dangerous, calling them extremists. That is unconscionable, Mr. Speaker, and she should be relieved of her responsibilities immediately.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER], an outstanding member of this body.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I think the interesting point of this is that the very point of criticism that the Clinton administration official made about the Marine Corps is really in essence their strength. The Marine Corps is a service that did not bend to the winds of political correctness when this mixed gender training was requested by the Clinton administration. Today, my service, the U.S. Army, has representatives around the country in courts-martial trying to explain what happened to young women who were injected into basic training with young men in very close quarters, and all of the tragedies that resulted from that. The Marine Corps is one service that perhaps, more than all of the others, has kept its tradition of duty, honor and country, and Chuck Krulak, the Commandant, is one of the very, very best.

So I think we will come out of this with a stronger Marine Corps, more adherence to tradition, and a stronger America.

Mr. SOLOMON. Mr. Speaker, to close for our side, I yield the balance of our time to the distinguished gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security, an outstanding American.

Mr. SPENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as a Navy veteran and the brother of a retired Marine, and on behalf of the hundreds of thousands of Marines, living and dead, who served this country over all these years, I am personally saddened to hear of the remarks attributed to Ms. Sara Lister relative to the Marine Corps.

I cannot go into detail, I do not have enough time to make a speech on behalf of the Corps and in defense of the Corps, but I would like to just submit as part of my remarks an article which appeared in the Washington Times today which this quote comes from.

Kate O'Beirne, the Washington editor of National Review magazine, appeared with Ms. Lister on the panel, and here is what she said:

"It is actually a slander at both the Marine Corps and the Army," she said in an interview. "What attributes of the Marine Corps does she disrespect? Self-discipline? Courage? Patriotism? She believes these pose a danger to society and by implication she's grateful the Army doesn't share the Marine Corps attributes. Shocking."

TOP ARMY WOMAN: MARINES "EXTREMIST"

(By Rowan Scarborough)

Sara E. Lister, the Army's top personnel official and the Pentagon's most ardent advocate of women in combat, in a public forum called the Marines "extremists" and "a little dangerous."

Mrs. Lister, the assistant secretary of the Army for manpower and reserve affairs, also belittled the Marine Corps uniform.

"I think the Army is much more connected to society than the Marines are," Mrs. Lister told an Oct. 26 seminar. "The Marines are extremists. Wherever you have extremist, you've got some risks of total disconnection with society. And that's a little dangerous."

In response to a query by The Washington Times, the Army attempted last night to dampen a growing controversy that clearly rankled top officers:

"The statement attributed to Mrs. Lister was taken out of context. Her reference to the Marines and their relationship to society would be more aptly described as 'unique.'"

Gen. Charles Krulak, the Marine Corps commandant, issued a statement last night at his quarters vigorously defending a branch he has served 34 years.

"Assistant Secretary of the Army Sara Lister has been quoted as characterizing the Marine Corps as 'extremists,'" Gen. Krulak said. "Such a depiction would summarily dismiss 222 years of sacrifice and dedication to the nation. It would dishonor the hundreds of thousands of Marines whose blood has been shed in the name of freedom."

"Citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend this nation, never to return. Honor, courage and commitment are not extreme."

Mrs. Lister, a close adviser to Army Secretary Togo West, made the remarks to a group of academics and military personnel at a conference in Baltimore.

According to a tape recording of the remarks, obtained by The Times, Mrs. Lister, who was appointed by President Clinton, also mocked the uniform of the Marine Corps.

"The Marine Corps is—you know they have all these checkerboard fancy uniforms and stuff," she said. "But the Army is sort of muddy boots on the ground."

Said Gen. Krulak, "I agree with Mrs. Lister's depiction of the U.S. Army as 'sort of muddy boots on the ground.' I need not recount the times where the muddy boots of soldiers fell alongside those of Marines as we fought side by side."

Kate O'Beirne, the Washington editor of National Review magazine, appeared with Mrs. Lister on the panel, along with retired Army Lt. Gen. Theodore Stroup. Mrs. O'Beirne, according to the tape recording, told the conference, sponsored by Harvard University's Olin Institute for Strategic Studies, that she was "shocked and incredulous" by Mrs. Lister's remarks.

"It is actually a slander at both the Marine Corps and the Army," she said in an interview later. "What attributes of the Marine Corps does she disrespect? Self-discipline? Courage? Patriotism? She believes these pose a danger to society and by implication she's grateful the Army doesn't share the Marine Corps attributes. Shocking."

"I just want to say something on behalf of the Marine Corps. Unlike Secretary Lister, I don't see them as an extremist organization nor do I fear them in any way. And I find myself grateful for them most of the time."

Mrs. Lister's caustic comments are sure to revive criticism within the military and among veterans groups that the Clinton administration is staffed at the highest levels with men and women with anti-military attitudes.

Mr. Clinton was sharply criticized by veterans groups in the 1992 campaign for remarks he made as young man trying to avoid the Vietnam War draft, saying that he and his friends held a "loathing" for the military, and shortly after taking office he offended military ranks with an attempt to lift long-standing policy barring known homosexuals in the military.

Mrs. Lister has said she will leave her post sometime this year and was honored recently at a retirement party. Pentagon sources say she may be a candidate for secretary of the Army if Mr. West, as expected, is named to head the Department of Veterans Affairs.

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The Army's statement defending Mrs. Lister went on to say that "it is inappropriate to create controversy around what was meant to be an honest, intellectual exchange of ideas. The U.S. Marines, like the Army, have served the nation with valor and fidelity since the forming of the nation. Mrs. Lister and the Army are proud to share a common heritage."

Mrs. Lister has accused others of extremism, recently in a press interview labeling military advocate Elaine Donnelly an "extremist." Mrs. Donnelly is chairman of the Center for Military Readiness, which supports women in the military and opposes combat roles for them.

"I don't like to see my name in the same sentence with that word," Mrs. Donnelly said yesterday. "It shows that this person is very much out of step with the majority of women, both civilian and military. . . . If she puts us in the same group as the Marine Corps, we're in very good shape."

Mr. EVERETT. Mr. Speaker, as a veteran, a member of the National Security Committee, and as an American, I am appalled at the callous disrespect that Sarah Lister, the Assistant Secretary of the Army for Manpower, displayed toward the U.S. Marine Corps when she referred to them as a "dangerous" and "extremist" group during a recent forum. This type of behavior is reprehensible from a high ranking official in the Department of Defense. This is not only an affront to the men and women serving in the Marine Corps, but it is offensive and demoralizing to the nearly 1.5 million men and women in uniform that go in harms way to defend the United States.

What type of message is sent to our young people serving in the military when they hear that a high ranking official in the Pentagon is quoted as saying that the Marines have a "disconnection with society." This administration has been less than fully supportive of Armed Forces, and comments like these will

undoubtedly have a further negative impact on their morale.

While Secretary Lister has said she will be leaving her post shortly, that's not good enough. Army Secretary Togo West should fire her now—today. Doing less will disgrace those brave Americans who have served and given their lives for this country. And as far as any talk of Secretary Lister being a possible candidate for Army Secretary should Secretary West leave the post—forget it.

On behalf of the U.S. Marine Corps and the entire military, I urge the strong support of this resolution calling for Sara Lister to step down; we cannot and will not tolerate this lack of respect from civilian leaders.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of this resolution expressing the sense of Congress that the Assistant Secretary of the Army for Manpower and Reserve Affairs, Sara E. Lister, should step down from her position following her derogatory remarks yesterday about our U.S. Marine Corps.

Secretary Lister's remarks have enraged those of us who are proud of the men and women who have served as marines. However, knowing the organization as I do and the type of people who are marines, they are not going to be hurt by her words.

The 222 year history of the United States Marine Corps speaks for itself. From its first battles of the Revolutionary War, through the bloody Pacific landings during World War II, and from the campaigns in the snowy mountains of Korea, to the steamy jungles of Vietnam, and the parched deserts of Kuwait, the Marine Corps has an unquestionable tradition of serving our Nation in the finest and bravest manner.

The U.S. Army, which was not well served by Secretary Lister's comments, has its own distinguished record of valor and service to our Nation. For those of us who just returned from Veterans Day programs back home, our words are still fresh in our minds. We reminded all Americans that if it were not for the brave service of the men and women of the U.S. Marine Corps, Army, Navy, Air Force, and Coast Guard, America would not be a free nation today.

Unfortunately, the comments of Secretary Lister are another example of the lack of respect with which our armed services and those who serve in uniform receive from some within this administration. As I have said time and again, our all volunteer force deserves far better. They at least deserve the respect of those who have been appointed by the President to provide civilian leadership over our services.

This is the same administration that has demonstrated a cavalier willingness to send our troops into harms way on a moments notice to make a bold statement or accentuate its foreign policy. These deployments throughout the world and with increasing regularity are ordered with little regard for our national interest or the cost of such deployments.

Mr. Speaker, there are many ironies about Secretary Lister's comments. It is ironic that she made them just 2 days after the Marines celebrated another birthday and just 1 day after we as a nation honored those who have served our Nation in the uniform of the U.S. Marine Corps and all the services. Perhaps

most ironic, though, is that the battles the Marine Corps have fought and won have been those to protect our Nation's most treasured freedoms and liberties. And there is no more basic American freedom than the freedom of speech. Yet, the President and our civilian leadership at the Pentagon cannot allow an appointee to continue to serve after showing such grave disrespect for every marine who has ever served in uniform.

When the President gives the order to "Send in the Marines", no one questions their character then. History has established that they are the force we turn to as a nation to be first on the scene, first to fight, and first to win.

Some of our Nation's greatest Army generals, who unlike Secretary Lister have seen marines in action, have acknowledged the spirit of our marines who have fought shoulder to shoulder with their brothers in the Army. Gen. John Pershing, during World War I, Gen. Douglas MacArthur, during the Korean conflict, and Gen. Norman Schwarzkopf, during Operation Desert Storm all agreed with MacArthur's comments from the outskirts of Seoul in 1950, that "there is not a finer fighting organization in the world" than the U.S. Marines.

Mr. Speaker, the marines who stand watch tonight on lonely outposts throughout the world, and those who are in training for their next mission wherever and whenever it may be, probably have not even heard about Secretary Lister's remarks. All they know is that they have chosen to wear the uniform of a U.S. Marine to defend and protect our great Nation. May their service and sacrifice stand as the greatest testament, making all other words ring hollow.

Semper Fidelis.

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from New York [Mr. SOLOMON] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 197.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes. All points of order against

the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order the fiscal year 1998 Commerce, Justice, and State conference report, the final appropriations bill for fiscal year 1998. This is the standard rule for conference reports, waiving points of order against the conference report and its consideration. The rule also provides that the conference report be considered as read.

That is it. Another great rule from the Committee on Rules under the leadership of the gentleman from New York [Mr. SOLOMON] to get the job done.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Florida [Mr. GOSS] for yielding me this time.

As he has described, this resolution, House Resolution 330, is a rule that waives all points of order against the conference report on H.R. 2267. This is a bill that makes appropriations for the Departments of Commerce, Justice and State, and related agencies. It is with great relief that I address this House on this, the last of the 13 regular appropriation bills. It is the one measure standing between us and the conclusion of the session this year.

The conference report contains major increases in funding for law enforcement programs, especially those aimed at preventing juvenile and drug-related crimes. The measure provides about \$4 billion for the State Department, which is an increase above the levels in the House and Senate bills, but still less than the administration's request. This money is necessary to extend America's diplomatic presence abroad and assist with vital international peacekeeping efforts.

The conference contains a compromise which does not bar using statistical sampling in the Year 2000 Census. This will permit the Census Bureau to give statistical sampling a small-scale test. A commission will report on the results of the test. Unfortunately, this compromise also includes objectionable language calling on the House general counsel to file a civil suit to block sampling.

Mr. Speaker, I do not support everything in this bill, but we are already 6

weeks into the fiscal year. We should have wrapped up this process a long time ago. I urge adoption of the rule. Let us do our job and pass the bill, and let us go home.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I have no requests for time. The rule is not controversial. We are prepared to yield back as soon as the gentleman is.

Mr. HALL of Ohio. Mr. Speaker, I have 3 or 4 speakers that I know of.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the Commerce, Justice, and State bill is fatally flawed, and because of that, later today I will urge my colleagues to vote against it.

Earlier today we changed the House rules so that the Republican leadership could create a new subcommittee to investigate the census. Is the reason that we need this new subcommittee, is it because the current one is so overburdened that it cannot get all of its work done? No. There has been only one hearing in this Congress on the census, and that hearing had only two witnesses.

This new subcommittee is the latest effort by the leadership to politicize the census and make sure that millions of minorities and poor are left out of the count. They try to hide behind the Constitution, but they do not care whether sampling is constitutional or not.

Look at this quote from one Republican leader. He admits that they do not care if sampling is constitutional, and then later he says if the court says it is constitutional, we simply will not fund it.

During the negotiations over the census language in this bill, the White House lawyers tried to improve the language to assure that the case would make it to the Supreme Court. Those improvements were rejected by the same people who claim to be worried about a constitutional census. Their concerns are not constitutional; they are political.

The scientific and professional support for sampling is overwhelming. Over 175 studies from the General Accounting Office, the Commerce Department, the National Academy of Sciences, and the Census Bureau have shown that sampling gives results that are more fair and accurate. Still, the Republican leadership opposes it. Why? They fear the political consequences of a fair and accurate census.

The opponents of sampling say they are worried about the administration using sampling to manipulate the numbers. However, when the gentleman from West Virginia [Mr. MOLLOHAN] proposed a blue ribbon commission to

guard against manipulation, they rejected it on a party-line vote.

The opponents of sampling have raised one false claim after another to try and discredit sampling because they do not want a fair and accurate census. The language in the Commerce-Justice-State bill is one more attempt to stop a fair and accurate census.

This time, their tactics are to tie the Census Bureau up in the courts, to force them to run two censuses at once, and to confuse the public by issuing four sets of numbers instead of one. This will not work and we should not let it happen. I urge my colleagues to vote against the Commerce-Justice-State conference report, but to vote for the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to reluctantly oppose this conference report. I agree with all of the good things that we have heard and will continue to hear about.

However, I have some serious concerns regarding the census component. The so-called census compromise leaves several loopholes which could seriously hamper the ability of the Census Bureau to utilize sampling as a technique to conduct the 2000 Census. In essence, this compromise allows opponents of sampling an opportunity to disrupt, discredit, and dismantle an accurate census.

The census is far too important to become so politicized. I would like to support this agreement. However, it does not ensure a fair and accurate census count. In this democracy every American must be counted in order to count. In the last census we missed over 4 million people.

This agreement bestows upon the Speaker the unprecedented power to file a lawsuit on behalf of the House to challenge sampling. If we allow this agreement to go forward, African Americans, Hispanics, Asian Americans and other minorities can expect to have significant numbers of their population undercounted. Therefore, these communities will be underrepresented, not only in the halls of Congress but throughout government. I believe that every person must count; therefore, every person must be counted.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, I have a prepared statement which I will present. Mr. Speaker, this is serious business. For a moment I would like to address the Members of the other side.

□ 1815

Every time that I have come to the well or up here, I have tried to make my comments as nonpartisan as possible. I think the RECORD will indicate that. I came here to build bridges. We

are making a very, very serious mistake on the language agreed to in the conference committee on the census and sampling.

I have in my hand here the materials that go back to 1994, 1995, 1996, concerning the city that I was mayor of, in Patterson, NJ, the third largest city in New Jersey. We were one of three communities that agreed to try out the new techniques of the U.S. Census. Sampling was used. Not only was it used, but it was proven to be very effective in that the city statistics for Patterson were changed by 8,000.

I ask the other side to please listen. I have here the letter from the U.S. Census which is dated September 12, 1995. In that letter, it specifically says that because of the work that we did in the city of Patterson, the letter was sent to us by Martha Farnsworth Rich, Director of the Census, the population change had been made officially to the city of Patterson. Not only do most scientific organizations in the United States support scientific sampling, but more important than that, in the areas that this was tried, it worked.

We talk on the other side about austerity and tightening our belts. We would agree with that. Do Members know how much money we spent to do this test in 1994 and 1995? This Government, through the Congress, spent \$35 million. So now we want to shift to the dress rehearsal of 1998, and regardless of what comes out in that dress rehearsal, the leadership has said they are going to kill it in 1999.

I ask Members in good conscience, how can they accept that? In 1970, in 1980, in 1990, towns went to court against the census and the Department of Commerce, spent millions of dollars, lawyers got rich. All this document is going to do, this conference report, is make lawyers richer, put more antagonism on the floor of this House, and throw in the face of science what has already been proven.

What will we have accomplished? We are already past, way past, the time when one person-one vote is a reality. It is supported by the law. There are undercounts in small towns as well as large towns. All we want is an honest count. I ask Members, this conference report, while it has many good things in it, deserves to be sent down the tubes because of this unreasonable attempt to fly in the face of the state of the art and science.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. ROHRABACHER], who has done extraordinarily good work on 245(i).

Mr. ROHRABACHER. Mr. Speaker, I rise today to bring everyone's attention to a provision in this pending bill which will eventually phase out section 245(i) of the Immigration and Nationality Act, 245(i), which is a loophole for the sole benefit of illegal aliens.

For the 3 years this provision has existed, 245(i) has allowed anyone in the world to come to the United States illegally, find a sponsor, and then pay the Immigration and Naturalization Service a \$1,000 fee to have their illegal status changed to legal. Sixty-two percent, 62 percent, of those who benefited from 245(i) came to the United States by sneaking across our borders. The rest came here on temporary visas and overstayed them.

With 245 intact, we have been talking about enforcement of our laws out of one side of our mouth and, with the other side, encouraging people to break our laws. This is what George Orwell called doublespeak in his classic novel "1984."

Although I am pleased that the Commerce-Justice-State conference has drafted a bill that will end 245(i) in the future, I still have concerns about the agreement that the conferees have come up with. The new compromise still allows all those who have been living in the United States illegally or those around the world who want to come to the United States illegally to pay \$1,000 to become legal. All they have to do is find a sponsor to petition the INS within 60 days of the time this bill is signed into law.

I would like to remind my colleagues that there are currently 5 million illegal aliens living in the United States. News of the 60-day grace period has already sent them the message that they must quickly find a sponsor, go to the nearest INS office, and file a petition that puts them on the 245 illegal alien amnesty list. Just last week, crowds of illegal aliens in southern California stood in line for hours at packed INS offices because they heard on television that, for a limited period of time, they can become legal permanent residents.

In addition to illegal aliens who are already here, this grace period sends a message to prospective illegal aliens around the world that the U.S. borders are wide open for the next couple of months. All that is required is a sponsor and \$1,000.

Mr. Speaker, there is also a provision in this conference agreement which allows anyone to come here on a temporary visa and overstay it for up to 6 months. Even after violating the terms of their visa, these people will become permanent legal residents without having to return to their countries and go through the proper process. We are once again compromising the integrity of our immigration process for those who have broken our laws.

These provisions do not go far enough with this compromise to uphold the integrity of the Illegal Immigration Reform Act that we passed last year. Let us make sure this is the last time that we have to compromise on this measure. Let us make sure we stick to our guns, because if we ever,

ever compromise again on this issue of illegal aliens coming in here and then getting their status adjusted, no immigrant will ever trust our word again. We will have floods of illegal immigrants into our country.

Mr. HALL of Ohio. Mr. Speaker I yield 7½ minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I urge all of the Members of this House to vote against this rule today for a number of different reasons. I want to first say that a number of things that did come out of this rule are good, and there are actually many good provisions in this. One is the section 245(i) that my friend and colleague, the gentleman from California [Mr. ROHRBACHER], just railed against.

I will say to the gentleman from California [Mr. ROHRBACHER], the 230-some-odd Members, bipartisan Members in this House, who voted to preserve section 245(i) did it for a number of reasons: First, because it preserves the integrity of our families; U.S. citizens are involved in this. Also, because the business community said they did not want to see a disruption of services, and also the opportunity for people to be employed. So section 245(i), fortunately, we did something good on that.

Where we did something very wrong was on the census. I would like to concentrate my comments on the census with regard to the Commerce-Justice-State appropriations bill. As much as it involves so many other things, let me focus on the Census.

Mr. Speaker, if Members recall, back in the 1990 census, we did a dismal job of counting the people of the United States of America, dismal because some 5 million people in America were not counted, 5 million people who were absent, 5 million people who disappeared for purposes of political representation in this body and for purposes of the distribution of tax dollars which they contributed to the Federal Treasury, which never went back to their communities, because they were not counted and they were not in the formulas that determined how much money would go back to these communities.

If we take a look at what we have in the census, we find that a State like California, which probably had an undercount of some 1.2 million people, probably will suffer worse consequences if we do not act upon a system for the Bureau of Census which will allow it to have the most accurate count of the people of the United States of America.

The Bureau has said that based on what the experts have told it, statistical sampling, a methodology used by technicians and the experts in the

field, and they have talked to the National Academy of Sciences that has done research on this, that the experts are saying that statistical sampling is what is needed to try to give us the most accurate count possible.

If we take a look at the language of the bill, let me read one of the findings that we are supposed to support in this legislation under the census.

Finding No. 7 says, "The Congress finds that the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the Census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional Census."

Now, this finding is just what it says, it is a finding. It is not conclusive, nor is it constitutionally binding. But what we see is a manifesto here. This is a document which is being created by the majority to construct the ability to wage a campaign. This is a document to allow the majority and those opposed to statistical sampling to wage a campaign, both in the courts and on the streets, against the use of the most accurate method to count all of America.

Why? Because there is a fear that the politics will turn against them if all Americans are counted. Why? Because most of the people who are missed are people who are poor, are people who are minorities, people who do not often have a chance to vote. There is a fear that we will empower them if we do count them.

How do we empower them in this manifesto? Well, one, we give anyone in this country the right to sue the Government of the United States, to say we are being injured by the use of statistical sampling, and we bootstrap this by saying, you can go directly to the court, and even go directly to the Supreme Court on an appeal in this matter.

Not only that, but read this. It says that the Speaker, unilaterally, without ever having taken a vote of the 435 Members of this body, can file a suit to oppose the statistical sampling. Not only can the Speaker unilaterally file a suit, but the Speaker can employ the House counsel, at our expense, and of course at the taxpayers' expense, to do this litigation. Not only that, but the Speaker unilaterally could hire outside counsel to do the work.

So we are going to be using taxpayer dollars to let the Speaker, without ever having a vote in this House, hire attorneys to do the litigation for all of us, even though we may never even be asked to vote on that issue.

What else does this do? It gives a board that will be created the power to oversee what the Census Bureau does. What is the problem there? For the first time, I believe, in the history of conducting the census, a body will be given access to private documents. For

the first time, I believe, in the history of this country taking the census, and we have done it since we have become a Republic, a body that is not affiliated directly with the Census, which is under strict confidentiality requirements, will have access to every single bit of data that the census Bureau collects.

Remember, Mr. Speaker, this is the utmost of private information which we tell Americans that will not be disclosed, and not even the FBI and CIA in lawsuits have been able to obtain some of this data. Yet this board will be able to take every single piece of information that the Census Bureau collects. What is wrong with that? This board, under this legislation, must share this with congressional bodies, committees.

□ 1830

We just voted today with strong opposition from the Democrats to create another subcommittee of the Committee on Government Reform and Oversight to look into the census. What is wrong with that? Well, that committee can disclose some of this information. Even though there are privacy concerns, for the first time there will be an opportunity to disclose information, because this legislation will provide that committee, that with body of Congress, with that opportunity.

All of that is to say that we are licensing with this manifesto a campaign, if not legally, then certainly politically, on the streets against statistical sampling. And what will be done is this, I guarantee: In the next year or so after we do the dress rehearsal where we test all the statistical sampling, we will see a comparison of the actual numbers of people counted to those that we created as a result of an actual count with statistical sampling, and hundreds of thousands, if not millions, of dollars will be spent to say, look, the count was not much different between the two. Let us not go with what we speculate will be the real count through statistical sampling. Let us go with what we know will be the count.

And, of course, that message will be directed to the State that will see their population shrink or not grow, because those are States that may lose representation in this body as a result of shifts in the demographic population of this country. The result, we are going to have an uproar of people saying, "You mean to tell me that the census will use some sampling method to say that this is the number of people beyond what we actually counted, and that might cost me a representative?" No way.

And we are going to have a political fight in our land which we cannot overcome because it will be difficult to ever convince the American people that

what we have done is actually done the best job of providing an accurate census.

We heard many Members on the majority side of the aisle say we cannot let this go. I heard one Member say this is the Republican Jihad, religious war. There is a fear that if there is a count, if this is allowed to occur, if we get that accurate count, those minorities, those poor will be counted, and they may start to get engaged in the political process. Heaven forbid. That is where we are heading.

So, as much good as was done by the chairman and ranking member on this Committee on Appropriations, I must ask Members to vote against this rule.

Mr. GOSS. Mr. Speaker, in a moment of uncharacteristic optimism, I felt earlier that there was a possibility we might actually debate the rule. And since it is such a good rule and really not controversial, I thought we could dispose of it rather quickly. However, some very fine words have been uttered, and some of the provisions of the measure that the rule carries forward, and it seems that we are in a debate. So I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding me the time.

My colleagues, a Republican Jihad? What kind of language is that? What kind of insinuation is that? But I tell my colleagues something. If we want to take a diversion from what this country has done for over 200 years, and that is to count the men and women and children in this country one by one, in a very methodical way, and say, instead of doing that, we are going to guess how many people are in this country, we are going to make some assumptions, and we are going to put some equations in place, and then we are going to put numbers in that equation, and if that equation does not meet the assumptions that we want, then we are going to do a statistical adjustment to make sure that the numbers that did not come out the way we want will meet the assumptions we put in the first place.

My colleagues, I think that this Congress has a responsibility first of all to itself, secondly to the Constitution, third to the taxpayers of this country that when we do the census, we do it right. What this bill has done, and of course the White House has worked with this to make sure that that language is in place and is fair and serves the interest of all people, that, number one, we do a test, we do a dress rehearsal; and in that dress rehearsal there will be enumeration, and there will be statistical sampling and statistical adjustment. And when we are done with statistical sampling, we have some transparencies. So we know what the numbers are. We know what the

science is. We know what the technology is. And this Congress has the responsibility to do the census, has the ability to make good judgments.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Two questions quickly. One is has the Bureau of the Census and Department of Commerce and the White House all signed off on this proposal?

Mr. HASTERT. Reclaiming my time, that is correct.

Mr. ROGERS. Mr. Speaker, if the gentleman would further yield. Number two, in the history of the United States of America, have we ever in the census done anything like they are proposing, sampling or statistical adjustment? Had we ever done that before?

Mr. HASTERT. Never in the history of this country.

Mr. PASCRELL. Mr. Speaker, will the gentleman from Illinois [Mr. HASTERT] yield?

Mr. HASTERT. Mr. Speaker, I will not yield.

What I would like to do is also say, on my time, that one of the things that the gentleman said over on the other side of the aisle is that, my gosh, the Congress wants to look at these private numbers. These are not private numbers. These are numbers that belong to the people of this country, numbers that we need to take a look at, numbers that we need to judge with.

Let me tell my colleagues, I put together a map or two in my political life, and I could tell them, when we go down to census blocks, the very most simple geographical components of map-making that we have to have, we have to have very accurate numbers.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I will not yield.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey is not recognized. All Members will show courtesy to Members who are speaking.

The gentleman from Illinois [Mr. HASTERT] has 2 minutes remaining and may proceed.

Mr. HASTERT. Mr. Speaker, when we put together these census blocks for most simple geographical areas, the test that was done on this statistical sampling, or statistical guessing, in 1995 had a plus or minus 35 percent accuracy, plus or minus 35 percent accuracy. That means, if there is a census block and it could be 100 people in it, well, it could be 65, or it could be 135. We do not know. But when we put those census blocks together and they become the building blocks for any representative district, whether it is county board, school board, city council, State representative, State Senate seat, we have to have accurate building

blocks to put these together, because I tell my colleagues, when we go to the Federal court, they choose what program they are going to take on what maps are most accurate, which map has the least deviation.

In Illinois, in 1991, the Federal Court said that the map that they chose was because 19 out of the 20 districts had a zero deviation, and one district, the southernmost district in Illinois, had plus 2. That takes pretty accurate measurement. That takes pretty accurate block-building, census block by census block.

Now, if we wanted to use statistical sampling and say, guess how many people are in the United States, 277 million, we probably would get a pretty accurate number; or how many people lived in a State, 15 million people, we would probably get a pretty accurate number; or how many people are in a city, 3½ million, we probably would get a pretty accurate number.

When we get down to census block and census block, we need to put a name and address with a place and census block so that we can start to put together those legislative and representative districts that bring people to this body. The taxpayers of this country, the Constitution of this country, expects the very best, and that is what we should give them.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I would first like to thank the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Ohio [Mr. SAWYER] and the gentlewoman from New York [Mrs. MALONEY] and all of those who have worked so hard to try and make sense out of all of this. I know it has been difficult. I know that they were trying to do everything that they possibly could to see to it that we get a better count, because we have had an undercount, almost 4.8 million people undercounted, and we all know and believe that sampling could correct that. I understand what they had to do.

But what I think most people do not understand is this: In an attempt to work out the fact that there are people who want sampling, people who do not want sampling, none of us have realized that really sampling would help us all. It would help Democrats. It would help Republicans. We would get a better count. This would inure to everybody's benefit. But because Republicans are so afraid of sampling and getting a better count, they were willing to literally go into the back room and form a deal that, in the final analysis, is not in their own best interest, and they do not even know what the deal is.

The fact of the matter is what has been agreed upon is that there will be a way by which we can do sampling in the rehearsal, and they will not interfere with that, in exchange for some

bad language that we allowed them to have that basically said that sampling is unconstitutional maybe, and that somehow it is not in the best interest of the American people. And then we gave standing to the Speaker, or his representative, to go into court and the money to go along with it to say, now they can go and fight us, and we are going to let them fight us because we believe we can beat them in the court.

Well, in my estimation, it is a bad deal for everybody. I do not like these schemes. I do not like these schemes because I think this bad language that we allow them to put in the bill could be used as intent language in the court, and they could say, "Well, they voted for something that they said you thought that it was not constitutional." I do not like this language, because I do not like the idea of giving the Speaker all the resources he would like to have in order to go in and fight us on sampling.

But let me tell my colleagues some other things I do not like. I do not like the way this board is constructed. I do not like the idea that we are about to set up and design a confrontation. We are going to give the board resources and the ability to have confidential information. We are going to kick up the arguments. And the debate and confrontation, all of the radio talk shows are going to be talking about sampling versus nonsampling. What we are going to have is a great big nasty fight in America over sampling. And we have one side, my side, who is saying, "Trust me, we could beat them in court." And we have the other side saying, "Give me standing, and we will beat them in court."

Let me tell my colleagues what I think. I think that the Supreme Court has ruled on this more than one time, and the Supreme Court said sampling is fine. But further, the Supreme Court has said that the Secretary has the right to use any statistical method he or she deems necessary in order to get a good count.

If it was left up to me, I would let my colleagues do whatever they would want to do, and I would take the findings of the court, and I would go in court and I would proceed, and I would defend my position in court, and I would enjoin any language that they would attempt to have legislatively to say that it interferes with my ability as Secretary to get the job done. I would fight them head on. I would not have this diabolical scheme where most Republicans do not know what is in the deal, most Democrats do not know what is in the deal, and we have good people who are guessing at this and saying, "Trust me, trust me, trust me."

I do not want to lose, and I think a head-up fight is a good fight. I think we take all of the schemes out of it, and we go at it in court straight up. I

would ask for a no vote on this. I do not like the deals that were made in the back rooms that Republicans should be afraid of and Democrats alike.

The SPEAKER pro tempore. The Chair would advise all Members that the gentleman from Florida [Mr. GOSS] has 20½ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 8 minutes remaining.

Mr. GOSS. Mr. Speaker, if that is the case, I yield such time as he may consume to the distinguished gentleman from California [Mr. CUNNINGHAM], the Duke.

Mr. CUNNINGHAM. Mr. Speaker, why not sampling? Why not sampling? My parents always told me to cut to the quick. And two times in a political environment, people dance around the issue. It is because we do not trust you. And I will be specific. We do not trust the liberal leadership of the Democrat Party. The partisanship that has existed since we have taken the majority in every single case, we do not trust you. You want to guess. We want to count. For the first time in 200 years, you want to guess.

The White House has bought off on that language. The White House. So I guess the White House is part of that Jihad that my colleague talked about. No. We want an actual count. Let us take a look at some of the issues. Anything goes to win. The end justifies the means.

□ 1845

There is a story about a turtle and a snake. The snake could not swim across a river and it was poisonous, so he jumped on the turtle's back and said, "If you take me across the river, I won't bite you." And the turtle says, "No, you're venomous. I'm not going to take you." The snake says, "I give you my word. I'm not going to bite you."

So the turtle takes the snake across. As soon as he gets on the other side, the snake bites the turtle and in his death throes the turtle says, "But you gave me your word you wouldn't bite me." The snake looks at him and says, "I don't know what your problem is. You knew I was a snake."

We do not trust you * * * all the way through since 1994 in partisanship. We do not trust you. Thirty-five percent error is allowed within sampling in each district. Where do you think that 35 percent error is going to take place? It is going to take place in Republican districts. Look at INS in San Diego. We had 2,000 new immigrants.

Mr. HEFNER. Mr. Speaker, I ask the gentleman's words be taken down.

Mr. CUNNINGHAM. I did not speak in respect to anybody specifically.

Mr. HEFNER. Snake-like tactics. That is not complimentary. That is not accurate. That is the gentleman's own opinion, and I ask that the gentleman's words be taken down when he referred

to the snake-like tactics from duly elected Members of this body. I ask the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. LAHOOD). All Members will suspend.

Mr. CUNNINGHAM. I would say to the gentleman I have been very careful not to specifically mention anybody.

The SPEAKER pro tempore. The Chair would ask Members to suspend.

The Chair would ask the gentleman from California if he is withdrawing his words.

Mr. CUNNINGHAM. No, I will not withdraw. I have not spoken to anybody specifically.

The SPEAKER pro tempore. The gentleman will suspend.

The Clerk will report the words.

□ 1900

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from California seek recognition?

Mr. CUNNINGHAM. Mr. Speaker, if I may restate my words, the gentleman said it was really a deer and lion and not a snake and a turtle, and I did not mean to infer, and I was very careful not to mention, anybody's name. So I will restate it. By "snakelike tactics" I mean in general, and I will be specific, but I will not apply to anybody specifically on it, but I will point out some instances with different departments within the Government that I think have used tactics that are, like was said, we may not trust either one, sampling or counting, and if the gentleman would accept that.

The SPEAKER pro tempore. Does the gentleman ask unanimous consent to withdraw the earlier words?

Mr. CUNNINGHAM. I ask unanimous consent, Mr. Speaker, to withdraw the earlier words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman may proceed.

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, specifically what I was speaking to:

In San Diego, for example, there were 2,000 new citizens sworn in, 2,000. The Republican Party asked if they could have tables to register, and they were told by Mr. Reed, head of the INS, no, they could not. They went down to the ceremony itself, and there were 10 Democrat tables set up inside the building ready to go to register people.

That kind of tactic we disagree with, and we think it is unfair.

I look at the INS and the Sanchez case refusing to give documents up and apply and go toward the subpoenas. We think that was unfair.

I look at the Lincoln bedroom, the Vice President to the Buddhists, and the money to the DNC.

I look to Charlie Trie, and Riady, and Lippo Bank, and the DNC and dollars

to that, Ron Brown, special deals with the buses, John Huang, the DNC illegal campaign contribution, the FBI files, the IRS attacking businesses, Secretary Babbitt up for deals with tribes to give money to the DNC, and the whole point is, if my colleagues want to guess instead of actually counting, we are not going to buy it. I think that if looking at all of the different history, if it was different, we probably would say, okay, let us take a look and let us see which one works better.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Is the gentleman from California aware that in the past four censuses that we did not have a nose count, that 85 percent of the people were counted through normal means and the rest was due to an adjustment?

Mr. CUNNINGHAM. Reclaiming my time, Mr. Speaker, I am very familiar because California underwent when we picked up many seats, and I understand exactly the process. But we are saying an actual count of individual noses is much fairer and more accurate than just guessing which allows for 35 percent error in each district, and we do not feel that that will be used on the up and up, and that is the reason why we oppose sampling.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding this time to me.

I want to say a word about the census and then about the Equal Employment Opportunity Commission. I hope that youngsters and students have not been listening to this debate about statistical sampling because, if so, they have had a royal miseducation about the science of statistics and statistical techniques.

I want to suggest an alternative constitutional theory, that if this body approves a method of taking the Census that deliberately gets an undercount, that raises a constitutional question, and because we know that statistical sampling is more accurate, that is the constitutional issue before the body.

Mr. Speaker, I am a former chair of the Equal Employment Opportunity Commission. I appreciate that in conference \$2.5 million was added to the EEOC's appropriation after the Women's Caucus wrote the conferees concerning stark underfunding of that agency. While this is \$4 million less than the President's request, this amount does represent an increase.

I am pleased that the \$7 million increase that was forthcoming from the Watt-Norton amendment last year actually helped reduce the backlog 30 percent, and we should continue to

fund the agency so that it can continue to do that.

The Women's Caucus wrote the conferees in addition concerning committee report language that remains in the bill and that could have a chilling effect on EEOC's small litigation intervention program. Historically, the complaint has been that the EEOC does too little, not too much, litigation, and that is still the case.

In our letter, we express concern that the language could discourage the EEOC from intervening in cases like the notorious Mitsubishi case which protected the interests of hundreds of women who were not included in the private litigation.

The Women's Caucus has another concern as well. In 1994, the Women's Caucus supported and the Congress passed with strong bipartisan support the Violence Against Women Act. An important provision of that act allows for a suspension of deportation during a period in which an abused immigrant spouse is granted an exemption to pursue legal residency through self-petition.

Because the immigration section 245 provision in this bill does not contain that specific exemption for qualified immigrants, these battered spouses will be subject to deportation to obtain their green cards, making it harder for women and their children to leave dangerously abusive relationships with U.S. citizens. The women are often intimidated and reluctant to leave as it is. They may be subject to continuing abuse by their spouses and even to stalking if they return to their countries.

The immigration provisions of the Violence Against Women Act were written to provide a way out of violent relationships for battered immigrant women and children. We believe that it is a serious mistake not to include this exemption.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise in opposition to this rule for all the reasons that were mentioned in terms of the Census. But I also want to call attention to another very, very important issue, and that simply is the money that the United States owes in arrearages to the United Nations, which is not in this either and which is another reason why I oppose this.

Today our President is trying to reinvigorate the International Coalition Against Iraq so that our young men and women will not have to fight alone should the need arise. But just as we are readying the Nation for some kind of action in the coalition, Congress may take this disastrous step to undercut our ability to build a coalition of nations at the U.N. This makes no sense. If we do not begin today the effort to repay our arrearages to the

U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

I want to be absolutely clear. I believe that in paying off our debt to the United Nations, it is in America's interest and it is justified on its own merits by the good work the U.N. does around the world. However, because of the threat emanating from the Persian Gulf, the danger of not paying our arrears is now much greater as American troops could be put at risk.

So I oppose this amendment, I oppose this rule, because of the Census and because of the U.N. arrearages.

Today, our President is trying to reinvigorate the international coalition against Iraq so that our young men and women will not have to fight alone, should the need arise.

I voted for the Gulf War and will support the President again if armed force is needed to reach Iraq a lesson.

But, just as we are readying the nation for military action, Congress may take a disastrous step to undercut our ability to build a coalition of nations at the U.N.

If we today do not begin the effort to repay our arrears to the U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

I want to be absolutely clear: I believe that paying off our debt to the U.N. is in America's interest and is justified on its own merits by the good work the U.N. does around the world.

However, because of the threat emanating from the Persian Gulf, the danger of not repaying our arrears is now much greater as American troops could be put at risk.

It is unfortunate that only a potential military crisis can reawaken the Congress to the need to pay what we owe to the world body.

Soon, the gentleman from Wisconsin [Mr. OBEY] will offer a motion to recommit this bill with instructions to waive the authorization requirement for the \$100 million repayment of the money the U.S. owes the U.N.

I urge my colleagues to support the motion and, by doing so, support our troops in the Gulf.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not know if there could be a more crucial determination than the one we might be making today. How sad it is that on the shadow of the closing of this first session, this important decision on how the census will be taken to count every American is now being forced upon those of us who have fought to assure that those who are homeless and those who are undercounted, those who are rural, those who are urban, those who are Hispanic, those who are African-American, those who are Caucasian and Asian, and those who are others would not be counted.

It is tragic that we would have individuals of our colleagues on the other side of the aisle begin to talk about snake tactics and accusations of mistrust when it is well known that the

National Academy of Sciences has documented that sampling is the very best way to ensure that all Americans are counted, rich or poor, black or white. And this is a tragic response to the need for counting.

Might I say that there are points in this bill that I applaud, the acknowledgment of the Peer Review Justice Center on Juvenile Prevention. But yet I come to disappointment, the disappointment that under 245(I) battered women who may be immigrants will be excluded and therefore will not be allowed to stay in this country while others with less concern will be.

But let me turn my attention to this census. How false to be able to acknowledge that sampling is not an accurate count. It is, and the Republicans know that it is, and the misguided language in this bill that suggests that it is risky to suggest that this Speaker of the House could threaten the sampling process and rush to the court system, this denial of the state of the law that says that sampling is accurate, this choice of these particular cities and the possibility that they may not give us the ability to judge sampling in its accuracy.

Mr. Speaker, on the last day of this session, do we not want to say to the American people that our business is their business, that this count can count all of them, that the resources of this Nation are intended to meet all of their needs and not be falsely misrepresented by Republicans who say, oh, we do not want sampling?

Mr. Speaker, we need to vote down this rule because it is not about the American people, it is about pure politics in this body. What a disgrace, a disgrace. Vote down this rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, this is the way it is.

Mr. Speaker, I thank the gentleman from Florida for yielding this time to me. The argument of sampling really boils down to this very simple chart. Under the United States Census called for by the Constitution, the way it has always been done, they go house to house, door to door, and they count. Go to the first house, 3 people; the second house, 7; third house, 6; and we come up with 16 people. Pretty clear, pretty explicit, very understandable.

Now, as the last speaker said, Democrats' sample-matics is all about politics. Go to the first house, 3 people; go to the second house, 7 people; go to the third house; and, really, they do not go because they do not feel like it, it is time to knock off for lunch or do whatever people do when they work for the Government. So then they say, well, how many do we really need? We need 15 to 25 people? Well, we will just do that because we did not go to the third house.

That is what this is all about. If my colleagues like sampling, how would they like it done in their election? If my colleagues like sampling, sample their next IRS return and see how their administration backs them on that. Sample their golf score, sample their bookie; I do not know.

Mr. Speaker, this is the way to do a Census. Count it head by head, door by door.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. SAWYER].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 2 minutes.

□ 1905

Mr. SAWYER. Mr. Speaker, I rise in deep gratitude for the passion and commitment of a number of the Members, including the gentlewoman from California [Mrs. WATERS], the gentleman from California [Mr. BECERRA], the gentleman from New Jersey [Mr. PASCRELL], the gentleman from Illinois [Mr. DAVIS], the gentlewoman from Texas [Ms. JACKSON-LEE] and others. They are absolutely right about sampling.

The gentleman from New Jersey [Mr. PASCRELL] is right when he says this is important. Several sampling techniques were evaluated in 1994 and 1995. Some were found to be woefully wanting; they were rejected. One enumeration method including sampling was selected, and now must be refined in the context of a full census-like environment known as a dress rehearsal.

This is not a reflection of a lack of confidence in sampling. It has been planned from the beginning of the decade. Like war game exercises, it is a needed step in preparing for this huge national undertaking.

When the gentleman from California [Mr. BECERRA] suggested that 5 million people were missed, I suggest that he underestimates. In fact, 10 million people were missed in 1990, 6 million were doubled, for a net undercount of 4 million, but an aggregate error of 16 million.

I am grateful for this support for sampling, and I share that support. I will vote differently on this bill. This bill is not a pretty piece of legislation. It is kind of a Rube Goldberg contraption. It is not a permanent victory for sampling; it is not a permanent defeat. The provisions regarding the census, however, reflect a clear victory for supporters of keeping sampling alive so it can be appropriately tested. There is no realistic chance for an injunction. Confidentiality is protected by current law.

I support this rule; I support going forward with sampling; I support keeping it alive until its accuracy can be verified in a census-like environment, in a dress rehearsal in 1998, and evaluated in 1999.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say that actually this debate was supposed to be on the rule. I did not hear much objection to the rule. Actually I heard some praise for it. I think it is a fine rule, and perhaps we can get on with the debate about the census, which I know we have all been waiting for eagerly.

I would like to compliment the gentleman from Louisiana, Chairman LIVINGSTON, and the gentleman from Kentucky, Chairman ROGERS, and the ranking member, the gentleman from Wisconsin, Mr. OBEY, for the fine work they have done through the appropriations process, which we now hope is drawing to a close.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MALONEY of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, the vote on the motion to suspend the rules and agree to House Concurrent Resolution 137 will be reduced to 5 minutes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 285, nays 113, not voting 34, as follows:

[Roll No. 636]

YEAS—285

Ackerman	Burton	Dingell
Aderholt	Buyer	Dixon
Allen	Callahan	Dooley
Archer	Calvert	Doolittle
Army	Camp	Doyle
Bachus	Campbell	Dreier
Baesler	Canady	Duncan
Ballenger	Cannon	Dunn
Barcia	Castle	Edwards
Barr	Chabot	Ehrlich
Barrett (NE)	Chambliss	Emerson
Barrett (WI)	Chenoweth	English
Bartlett	Christensen	Eshoo
Barton	Clayton	Etheridge
Bass	Clement	Everett
Bateman	Coble	Ewing
Bereuter	Coburn	Farr
Berman	Collins	Fawell
Berry	Cook	Fazio
Bilbray	Cooksey	Foley
Bilirakis	Costello	Forbes
Billey	Cox	Fossella
Blunt	Cramer	Fox
Boehlert	Crane	Frank (MA)
Boehner	Crapo	Franks (NJ)
Bonilla	Cunningham	Frelinghuysen
Bono	Davis (FL)	Gallegly
Boswell	Davis (VA)	Ganske
Boucher	Deal	Gekas
Brady	Delahunt	Gibbons
Bryant	DeLay	Gilchrest
Bunning	Diaz-Balart	Gillmor
Burr	Dicks	Gilman

Goode Lofgren Roukema
 Goodlatte Lucas Royce
 Goodling Manzullo Ryun
 Goss Markey Sabo
 Graham Mascara Salmon
 Granger Matsui Sanford
 Greenwood McCollum Sawyer
 Gutknecht McCreery Saxton
 Hall (OH) McDade Scarborough
 Hall (TX) McGovern Schaefer, Dan
 Hamilton McHale Schaffer, Bob
 Hansen McHugh Sensenbrenner
 Harman McIntosh Sessions
 Hastert McIntyre Shadegg
 Hastings (WA) McKeon Shaw
 Hayworth McNulty Shays
 Hefley Metcalf Sherman
 Herger Mica Shimkus
 Hill Miller (FL) Shuster
 Hilleary Minge Sisisky
 Hobson Moakley Skaggs
 Hoekstra Mollohan Skeen
 Holden Moran (KS) Skelton
 Horn Moran (VA) Slaughter
 Hostettler Morella Smith (MI)
 Hoyer Murtha Smith (NJ)
 Hulshof Neal Smith (TX)
 Hunter Nethercutt Smith, Adam
 Hutchinson Neumann Smith, Linda
 Hyde Ney Snowbarger
 Inglis Northup Solomon
 Istook Norwood Souder
 Jackson (IL) Oberstar Spence
 Jenkins Obey Spratt
 Johnson (CT) Oxley Stearns
 Johnson (WI) Packard Stenholm
 Johnson, Sam Pappas Stump
 Jones Parker Sununu
 Kanjorski Paul Talent
 Kasich Paxton Tanner
 Kelly Pease Tauzin
 Kennedy (MA) Peterson (PA)
 Kim Petri Thornberry
 Kind (WI) Pickering Thune
 King (NY) Pitts Tiahrt
 Kingston Pombo Tierney
 Kleczka Pomeroy Traficant
 Klug Porter Turner
 Knollenberg Portman Upton
 Kolbe Poshard Vento
 LaHood Price (NC) Walsh
 Lantos Quinn Wamp
 Largent Radanovich Watts (OK)
 Latham Rahall Weldon (FL)
 LaTourette Ramstad Weldon (PA)
 Lazio Redmond Weller
 Leach Regula Weygand
 Lewis (CA) Riggs Whitfield
 Lewis (KY) Rogan Wicker
 Linder Rogers Wolf
 Livingston Rohrabacher Young (AK)
 LoBiondo Ros-Lehtinen Young (FL)

NAYS—113

Abercrombie Evans Maloney (CT)
 Andrews Fattah Maloney (NY)
 Baldacci Filner Manton
 Becerra Ford Martinez
 Bentsen Frost McCarthy (MO)
 Bishop Gejdenson McCarthy (NY)
 Blagojevich Gephardt McDermott
 Bonior Gordon McKinney
 Borski Gutierrez Meehan
 Boyd Hastings (FL) Meek
 Brown (CA) Hefner Menendez
 Brown (FL) Hilliard Millender-
 Brown (OH) Hinchey McDonald
 Cardin Hinojosa Mink
 Carson Hooley Nadler
 Clay Jackson-Lee Oliver
 Clyburn (TX) Owens
 Condit Jefferson Pallone
 Conyers Johnson, E.B. Pascrell
 Coyne Kaptur Pastor
 Cummings Kennedy (RI) Payne
 Danner Kennelly Pelosi
 Davis (IL) Kildee Peterson (MN)
 DeFazio Kilpatrick Rangel
 DeGette Klink Reyes
 DeLauro Kucinich Rivers
 Dellums Lampson Rodriguez
 Deutsch Levin Rothman
 Doggett Lewis (GA) Roybal-Allard
 Engel Lowey Rush
 Ensign Luther Sanchez

Sanders Stupak Visclosky
 Sandlin Tauscher Waters
 Schumer Taylor (MS) Watt (NC)
 Scott Thompson Waxman
 Serrano Thurman Woolsey
 Stabenow Torres Wynn
 Stokes Towns
 Strickland Velázquez

NOT VOTING—34

Baker John Schiff
 Blumenauer LaFalce Smith (OR)
 Combest Lipinski Snyder
 Cubin McInnis Stark
 Dickey Miller (CA) Taylor (NC)
 Ehlers Myrick Watkins
 Flake Nussle Wexler
 Fowler Ortiz White
 Furse Pickett Wise
 Gonzalez Pryce (OH) Yates
 Green Riley
 Houghton Roemer

□ 1931

The Clerk announced the following pair:

On this vote:

Mr. Riley for, with Mr. Yates against.

Mrs. LOWEY changed her vote from "yea" to "nay."

Mr. DELAHUNT changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS LAW REVISION COUNSEL FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of 2 U.S.C. 285c, the Chair announces the appointment of John R. Miller as law revision counsel for the House of Representatives, effective November 1, 1997.

APPOINTMENT AS GENERAL COUNSEL OF HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of clause 11 of rule I, the Chair announces the appointment of Geraldine R. Gennet as general counsel of the U.S. House of Representatives, effective August 1, 1997.

EXPRESSING SENSE OF HOUSE CONCERNING NEED FOR INTERNATIONAL CRIMINAL TRIBUNAL TO TRY MEMBERS OF IRAQI REGIME

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H.Con.Res. 137.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 137, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 396, nays 2, not voting 34, as follows:

[Roll No. 637]

YEAS—396

Abercrombie DeLauro Jackson (IL)
 Ackerman DeLay Jackson-Lee
 Aderholt Deutsch (TX)
 Allen Diaz-Balart Jefferson
 Andrews Dicks Jenkins
 Archer Dingell John
 Armey Dixon Johnson (CT)
 Bachus Doggett Johnson (WI)
 Baesler Dooley Johnson, E. B.
 Baldacci Doolittle Johnson, Sam
 Ballenger Doyle Jones
 Barcia Dreier Kanjorski
 Barr Duncan Kaptur
 Barrett (NE) Dunn Kasich
 Barrett (WI) Edwards Kelly
 Bartlett Ehrlich Kennedy (MA)
 Barton Emerson Kennedy (RI)
 Bass Engel Kennelly
 Bateman English Kildee
 Becerra Ensign Kilpatrick
 Bentsen Eshoo Kim
 Bereuter Etheridge Kind (WI)
 Berman Evans King (NY)
 Berry Everett Kingston
 Bilbray Ewing Kleczka
 Billakis Farr Klink
 Bishop Fattah Klug
 Blagojevich Fawell Knollenberg
 Billey Fazio Kolbe
 Blunt Filner Kucinich
 Boehlert Foley LaHood
 Boehner Forbes Lampson
 Bonilla Ford Largent
 Bonior Fossella Latham
 Bono Fox LaTourette
 Borski Frank (MA) Lazio
 Boswell Franks (NJ) Leach
 Boucher Frelinghuysen Levin
 Boyd Frost Lewis (CA)
 Brady Gallegly Lewis (GA)
 Brown (CA) Ganske Lewis (KY)
 Brown (FL) Gejdenson Linder
 Brown (OH) Gekas Livingston
 Bryant Gephardt LoBiondo
 Bunning Gibbons Lofgren
 Burr Gilchrest Lowey
 Burton Gillmor Lucas
 Buyer Gilman Luther
 Callahan Goode Maloney (CT)
 Calvert Goodlatte Maloney (NY)
 Camp Goodling Manton
 Campbell Gordon Manzullo
 Canady Goss Markey
 Cannon Graham Martinez
 Cardin Granger Mascara
 Carson Greenwood Matsui
 Castle Gutierrez McCarthy (MO)
 Chabot Gutknecht McCarthy (NY)
 Chambliss Hall (OH) McCollum
 Chenoweth Hall (TX) McCreery
 Christensen Hamilton McDade
 Clay Hansen McDermott
 Clayton Harman McGovern
 Clement McHale
 Clyburn Hastings (FL) McHugh
 Coble Hastings (WA) McIntosh
 Coburn Hayworth McIntyre
 Collins Hefley McKeon
 Condit Hefner McKinney
 Conyers Herger McNulty
 Cook Hill Meehan
 Cooksey Hilleary Meek
 Costello Hilliard Menendez
 Cox Hinchey Metcalf
 Coyne Hinojosa Mica
 Cramer Hobson Millender-
 Crane Hoekstra McDonald
 Crapo Holden Miller (FL)
 Cummings Hooley Minge
 Cunningham Horn Mink
 Danner Hostettler Moakley
 Davis (FL) Hoyer Mollohan
 Davis (IL) Hulshof Moran (KS)
 Davis (VA) Hunter Moran (VA)
 Deal Hunter Morella
 DeFazio Hutchinsom Murtha
 DeGette Hyde Nadler
 Delahunt Istook Neal

Nethercutt	Rothman	Stenholm
Neumann	Roukema	Stokes
Ney	Roybal-Allard	Strickland
Northup	Royce	Stump
Norwood	Rush	Stupak
Oberstar	Ryun	Sununu
Obey	Sabo	Talent
Olver	Salmon	Tanner
Owens	Sanchez	Tauscher
Oxley	Sanders	Tauzin
Packard	Sandlin	Taylor (MS)
Pallone	Sanford	Thomas
Pappas	Sawyer	Thompson
Parker	Saxton	Thornberry
Pascarell	Scarborough	Thune
Pastor	Schaefer, Dan	Thurman
Paxon	Schaffer, Bob	Tiahrt
Payne	Schumer	Tierney
Pease	Scott	Torres
Peterson (MN)	Sensenbrenner	Towns
Peterson (PA)	Serrano	Trafficant
Petri	Sessions	Turner
Pickering	Shadegg	Upton
Pitts	Shaw	Velázquez
Pombo	Shays	Vento
Pomeroy	Sherman	Visclosky
Porter	Shimkus	Walsh
Portman	Shuster	Wamp
Poshard	Sisisky	Waters
Price (NC)	Skaggs	Watt (NC)
Quinn	Skeen	Watts (OK)
Radanovich	Skelton	Waxman
Rahall	Slaughter	Weldon (FL)
Ramstad	Smith (MI)	Weldon (PA)
Rangel	Smith (NJ)	Weller
Redmond	Smith (TX)	Weygand
Regula	Smith, Adam	Whitfield
Reyes	Smith, Linda	Wicker
Riggs	Snowbarger	Wise
Rivers	Solomon	Wolf
Rodriguez	Souder	Woolsey
Rogan	Spence	Wynn
Rogers	Spratt	Young (AK)
Rohrabacher	Stabenow	Young (FL)
Ros-Lehtinen	Stearns	

NAYS—2

Paul	Snyder
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NOT VOTING—34

Baker	Houghton	Riley
Blumenauer	LaFalce	Roemer
Combest	Lantos	Schiff
Cubin	Lipinski	Smith (OR)
Dellums	McInnis	Stark
Dickey	Miller (CA)	Taylor (NC)
Ehlers	Myrick	Watkins
Flake	Nussle	Wexler
Fowler	Ortiz	White
Furse	Pelosi	Yates
Gonzalez	Pickett	
Green	Pryce (OH)	

□ 1943

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

□ 1945

ADJOURNMENT SINE DIE OF FIRST SESSION OF ONE HUNDRED FIFTH CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD). The Chair lays before the House a Senate concurrent resolution

(S. Con. Res. 68) to adjourn sine die the First Session of the One Hundred Fifth Congress, as a question of the privileges of the House.

The Clerk read the Senate Concurrent Resolution, as follows:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Congress declares that clause 5 of rule III of the Rules of the House of Representatives and the order of the Senate of January 7, 1997, authorize for the duration of the One Hundred Fifth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively: To receive messages from the President during periods when the House and Senate are not in session and thereby preserve until adjournment sine die of the final regular session of the One Hundred Fifth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 4. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEPHARDT. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 193, not voting 34, as follows:

[Roll No. 638]

YEAS—205

Aderholt	Bateman	Brady
Archer	Bereuter	Bryant
Armey	Billbray	Bunning
Bachus	Billrakis	Burr
Ballenger	Bliley	Burton
Barr	Blunt	Buyer
Barrett (NE)	Boehert	Callahan
Bartlett	Boehner	Calvert
Barton	Bonilla	Camp
Bass	Bono	Campbell

Canady	Hostettler	Porter
Cannon	Hunter	Portman
Castle	Hutchinson	Quinn
Chabot	Hyde	Radanovich
Chambliss	Inglis	Ramstad
Chenoweth	Istook	Redmond
Christensen	Jenkins	Regula
Coble	Johnson (CT)	Riggs
Coburn	Johnson, Sam	Rogan
Collins	Jones	Rogers
Cook	Kasich	Rohrabacher
Cooksey	Kelly	Ros-Lehtinen
Cox	Kim	Roukema
Crane	King (NY)	Royce
Crapo	Kingston	Ryun
Cunningham	Klug	Salmon
Davis (VA)	Knollenberg	Sanford
Deal	Kolbe	Saxton
DeLay	LaHood	Scarborough
Diaz-Balart	Largent	Schaefer, Dan
Doolittle	Latham	Schaffer, Bob
Dreier	LaTourette	Sensenbrenner
Duncan	Lazio	Sessions
Dunn	Leach	Shadegg
Ehrlich	Lewis (CA)	Shaw
Emerson	Lewis (KY)	Shays
English	Linder	Shimkus
Ensign	Livingston	Shuster
Everett	LoBlundo	Skeen
Ewing	Lucas	Smith (MI)
Fawell	Manzullo	Smith (NJ)
Foley	McCollum	Smith (TX)
Forbes	McCrery	Smith, Linda
Fossella	McDade	Snowbarger
Fox	McHugh	Solomon
Franks (NJ)	McIntosh	Spence
Frelinghuysen	McKeon	Stearns
Gallegly	Metcalfe	Stump
Ganske	Mica	Sununu
Gekas	Miller (FL)	Talent
Gibbons	Moran (KS)	Tauzin
Gilchrest	Morella	Thomas
Gillmor	Nethercutt	Thornberry
Goodlatte	Neumann	Thune
Goss	Ney	Tiahrt
Graham	Northup	Trafficant
Granger	Norwood	Upton
Greenwood	Oxley	Walsh
Gutknecht	Packard	Watts (OK)
Hansen	Pappas	Weldon (FL)
Hastert	Parker	Weldon (PA)
Hastings (WA)	Paul	Weller
Hayworth	Paxon	Whitfield
Hefley	Pease	Wicker
Herger	Peterson (PA)	Wolf
Hilleary	Petri	Young (AK)
Hobson	Pickering	Young (FL)
Hoekstra	Pitts	
Horn	Pombo	

NAYS—193

Abercrombie	Davis (FL)	Hamilton
Allen	Davis (IL)	Harman
Andrews	DeFazio	Hastings (FL)
Bailes	DeGette	Hefner
Baldacci	Delahunt	Hill
Barcia	DeLauro	Hilliard
Barrett (WI)	Dellums	Hinchee
Becerra	Deutsch	Hinojosa
Bentsen	Dicks	Holden
Berman	Dingell	Hooley
Berry	Dixon	Hoyer
Bishop	Doggett	Hulshof
Blagojevich	Dooley	Jackson (IL)
Bonior	Doyle	Jackson-Lee
Borski	Edwards	(TX)
Boswell	Engel	Jefferson
Boucher	Eshoo	John
Boyd	Etheridge	Johnson (WI)
Brown (CA)	Evans	Johnson, E. B.
Brown (FL)	Farr	Kanjorski
Brown (OH)	Fattah	Kaptur
Cardin	Fazio	Kennedy (MA)
Carson	Flner	Kennedy (RI)
Clay	Ford	Kennelly
Clayton	Frank (MA)	Kildee
Clement	Frost	Kilpatrick
Clyburn	Gejdenson	Kind (WI)
Condit	Gephardt	Kleczka
Conyers	Goode	Klink
Costello	Goodling	Kucinich
Coyne	Gordon	Lampson
Cramer	Gutierrez	Lantos
Cummings	Hall (OH)	Levin
Danner	Hall (TX)	Lewis (GA)

Lofgren	Oberstar	Skaggs
Lowey	Obey	Skelton
Luther	Oliver	Slaughter
Maloney (CT)	Owens	Smith, Adam
Maloney (NY)	Pallone	Snyder
Manton	Pascarell	Spratt
Markey	Pastor	Stabenow
Martinez	Payne	Stenholm
Mascara	Pelosi	Stokes
Matsui	Peterson (MN)	Strickland
McCarthy (MO)	Pomeroy	Stupak
McCarthy (NY)	Poshard	Tanner
McDermott	Price (NC)	Tauscher
McGovern	Rahall	Taylor (MS)
McHale	Rangel	Thompson
McIntyre	Reyes	Thurman
McKinney	Rivers	Tierney
McNulty	Rodriguez	Torres
Meehan	Rothman	Towns
Meek	Roybal-Allard	Turner
Menendez	Rush	Velázquez
Millender-	Sabo	Vento
McDonald	Sanchez	Visclosky
Minge	Sanders	Wamp
Mink	Sandlin	Waters
Moakley	Sawyer	Watt (NC)
Mollohan	Schumer	Waxman
Moran (VA)	Scott	Weygand
Murtha	Serrano	Wise
Nadler	Sherman	Woolsey
Neal	Sisisky	Wynn

NOT VOTING—34

Ackerman	Green	Roemer
Baker	Houghton	Schiff
Blumenauer	LaFalce	Smith (OR)
Combest	Lipinski	Souder
Cubin	McInnis	Stark
Dickey	Miller (CA)	Taylor (NC)
Ehlers	Myrick	Watkins
Flake	Nussle	Wexler
Fowler	Ortiz	White
Furse	Pickett	Yates
Gilman	Pryce (OH)	
Gonzalez	Riley	

□ 2004

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

H. Con. Res. 194. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 867) "An Act to promote the adoption of children in foster care."

The message also announced that the Senate had passed a bill, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1371. An act to establish felony violations for the failure to pay legal child support obligations and for other purposes.

S.J. Res. 39. Joint resolution to provide for the convening of the Second Session of the One Hundred Fifth Congress.

S. Con. Res. 68. Concurrent resolution to adjourn sine die the First Session of the One Hundred Fifth Congress.

PROVIDING FOR CONVENING OF SECOND SESSION OF ONE HUNDRED FIFTH CONGRESS

Mr. ARMEY. Mr. Speaker, pursuant to House Resolution 311, I call up the Senate joint resolution (S.J. Res. 39) to provide for the convening of the Second Session of the One Hundred Fifth Congress, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 311, the joint resolution is considered read.

The text of S.J. Res. 39 is as follows:
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the One Hundred Fifth Congress shall begin at noon on Tuesday, January 27, 1998.

SEC. 2. Prior to the convening of the second regular session of the One Hundred Fifth Congress on January 27, 1998, as provided in the first section of this joint resolution, Congress shall reassemble at noon on the second day after its Members are notified in accordance with section 3 of this joint resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to assemble whenever, in their opinion, the public interest shall warrant it.

The joint resolution was read a third time and passed.

A motion to reconsider was laid on the table.

VACATING VOTE ON HOUSE RESOLUTION 328

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that the vote by which House Resolution 328 was passed be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Speaker, I have an amendment to that resolution at the desk.

The Clerk read as follows:

Amendment offered by Mr. FAZIO of California:

Strike the election of David Price of North Carolina to the Committee on Budget.

The text of the resolution, as amended, is as follows:

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Appropriations, the following Member:

Robert "Bud" Cramer of Alabama

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 13, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR NEWT: I respectfully request that you accept my resignation from the Government Reform and Oversight Committee, effective Friday, November 14, 1997.

Thank you for your assistance in this matter.

Sincerely,

ROB PORTMAN,
Representative.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 331) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 331

Resolved, That the following Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT: Mr. Miller of Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE FIRST SESSION OF THE ONE HUNDRED FIFTH CONGRESS AND ARE READY TO ADJOURN

The SPEAKER pro tempore. The Chair appoints as Members on the part of the House to the Committee to notify the President the gentleman from Texas [Mr. ARMEY] and the gentleman from Missouri [Mr. GEPHARDT].

CONFERENCE REPORT ON H.R. 2267,
DEPARTMENTS OF COMMERCE,
JUSTICE, AND STATE, THE JUDI-
CIARY, AND RELATED AGENCIES
APPROPRIATIONS ACT, 1998

Mr. ROGERS. Mr. Speaker, pursuant to House Resolution 330, I call up the conference report on the bill (H.R. 2267), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2267 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, we are honored to be the last train leaving the station of this session. I am also here to tell my colleagues that this is the last time I am going to be the last train leaving the station, for a variety of reasons.

But I am pleased to report and bring to my colleagues today the conference report on our bill. This bill provides \$31.8 billion for the programs under the jurisdiction of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations. We have come a long way in addressing a number of very important issues, but we have not let up on our strong commitment to law enforcement and the fight against crime.

That is what this bill really is all about. It is not about census. It is not about 245(i). It is mainly the fight against crime. Of the total funding in this conference report, the lion's share, \$17.5 billion, is for the Department of Justice programs. That is an increase of \$1.04 billion over fiscal year 1997 dedicated to continuing the war on drugs, making our neighborhoods safer for children and their families, bringing our borders under control, and boosting juvenile justice efforts to get kids on the right track and away from a life of crime.

This Congress deserves credit for its leadership in reducing crime. The Nation's crime rate is lower today than in over a decade. Our commitment over the last 2 years has triggered a decline in the crime rate in each of those years.

In 1996 alone, serious reported crime in the United States declined 3 percent, including an 11 percent decline in murder rates. For State and local law enforcement assistance, our communities, our sheriffs, and our police departments, the conference report includes over \$4.8 billion. That is a \$658 million increase to give our communities an arsenal of programs that target violent criminals, sex offenders, domestic violence, child abuse, and juvenile crime.

And on juvenile crime, the hottest topic today in law enforcement, we hit the problem head on using both prevention and law enforcement initiatives. We provide a \$489 million amount, triple the amount provided last year, for juvenile crime to build a hopeful future for America's youth. That is this Congress in action.

While overall crime is down, our kids are committing violent crimes at an alarming rate. One out of five people arrested for violent crimes is under 18 years of age, a 70 percent increase in the last 10 years. The conference report provides \$239 million for juvenile crime prevention, a 36 percent increase over last year, for programs targeting dangerous precursors to crime, like teenage drug and alcohol abuse and programs that steer troubled kids away from crime. We provide \$250 million for a new juvenile crime block grant to States to encourage them to adopt reforms to stop the revolving door of juvenile justice and to ensure that kids know that they will be punished if they commit a crime.

For the war on drugs, we provide another substantial increase, including an \$84 million increase for the Drug Enforcement Administration, to target drug traffickers in the Southwest border and Caribbean drug corridors, and an \$89 million increase to block the manufacture and distribution of heroin and methamphetamine.

To control our borders, we provide a \$228 million increase for the Immigration and Naturalization Service, including 1,000 new border patrol agents, double what the administration asked of us.

□ 2015

We restore integrity to the naturalization process by ending the fingerprint scam that allowed felons by the thousands in 1996 to receive the most precious benefit this country can offer, United States citizenship. We are also requiring criminal record checks by law, no longer a policy, by law. The department did not follow their policy. They waived the policy last year and

allowed felons to come into the country unchecked for their criminal records. No longer.

And we address the personal hardships of families and employers that have relied on section 245(i) by allowing people who file for permanent immigrant visas and later certifications before January 14, 1998 to continue to adjust to permanent residency under this provision without having to leave the country. At the same time, by letting this provision sunset, we require future immigrants to play by the rules and respect them.

For the Judiciary, \$3.2 billion is provided, including a cost-of-living salary adjustment for justices and judges.

Regarding the 9th Circuit of the Federal Courts of Appeal, the conference agreement provides for a study of all circuits that has a timetable of 10 months from the date of quorum to conduct necessary studies plus up to an additional 2 months to submit recommendations on alternative structures for the Federal Circuit Courts.

On the Hyde provision, we have language that we believe is acceptable to all parties, that allows the recovery of attorneys' fees in criminal cases where the defendant is acquitted where the court finds that the prosecutor acted vexatiously, frivolously or in bad faith.

For the Commerce Department, the conference report provides \$4.3 billion, a \$450 million increase, most of which is related to the ramp-up for the year 2000 decennial census.

And on the 2000 census, we include provisions to provide for an expedited review by the courts on the legality and constitutionality of statistically adjusting the 2000 census. There is a legitimate question. I firmly and strongly believe that the Constitution requires an actual enumeration. Others in this Chamber, as honestly as me, believe to the contrary.

We will let the courts decide that, and only they can decide it. They should have decided it in my judgment long ago, as members of the subcommittee requested. The gentleman from California [Mr. DIXON] and the gentleman from Ohio [Mr. SAWYER] I think in times past have thought the same.

We also require the administration to plan for an actual head count in the 2000 census and to test that plan in the 1998 dress rehearsal. And we commission an 8-person bipartisan census monitoring board to oversee the whole process from the inside, so that everyone can be assured that it is being done in the proper way.

We also provide \$390 million for the decennial census, \$35 million more than the President's request, an increase of \$305 million over current spending. There can be no question of our willingness to spend what it takes for the most accurate census possible.

For the international programs in the bill—State Department operations,

the U.S. Information Agency, the Arms Control and Disarmament Agency—for all practical purposes, the bill level-funds them at \$5 billion. A major new initiative is \$35 million to fund the 24-hour broadcasting service to China through Radio Free Asia and the Voice of America, an initiative proposed by the Speaker and endorsed by the President.

For international organizations and peacekeeping, we provide \$33 million less than 1997. Within that reduced amount, \$100 million is provided for United Nations arrearages, but only if an authorization bill passes and only if that authorization bill contains real and substantial reforms as a condition for release of the money.

For Legal Services, we provide \$283 million, the same level as 1997. The restrictions in last year's bill are retained, and added are new public dis-

closure requirements for grantees of the corporation.

In summary, I want to thank the gentleman from West Virginia [Mr. MOLLOHAN], the ranking minority member. No chairman of any subcommittee has a more able ranking member than I do. The gentleman from West Virginia has provided leadership for the things he strongly believes in. He has been able to work with us in every respect in constructing a bill that is best for the Nation. I want to thank the gentleman from West Virginia personally and profusely for his hard work and loyal dedication.

I want to thank the gentleman from Louisiana [Mr. LIVINGSTON], our committee chairman, without whose help we would not be here tonight. He has been superb in helping us bring this bill through some really rocky shoals to this nice peaceful shore. And the gentleman from Wisconsin [Mr. OBEY] the

ranking minority member on the full committee, who has been helpful all the way through. And all the members of the subcommittee for their help and support.

Most of all, I think I want to thank the staff, some of whom are in the room with me at this time. Others are absent from the room. But these are the people who really have stayed up all night, time and again. They were up all night last night reading this bill all the way through. The staff, we appreciate their dedication and their service beyond words. We could not do this without them. We appreciate them very much.

This conference report shows the American people our commitment to continue our fight to make our streets safer and the future brighter for our children. I urge support for this conference agreement.

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 1998 (H.R. 2267)**

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses.....	75,773,000	79,959,000	76,199,000	79,373,000	76,199,000	+426,000
Emergency appropriations.....	3,600,000					-3,600,000
Total, salaries and expenses.....	79,373,000	79,959,000	76,199,000	79,373,000	76,199,000	-3,174,000
Counterterrorism fund.....	9,450,000	29,450,000	20,000,000	29,450,000	52,700,000	+43,250,000
Emergency appropriations.....	20,000,000					-20,000,000
Total, Counterterrorism fund.....	29,450,000	29,450,000	20,000,000	29,450,000	52,700,000	+23,250,000
Administrative review and appeals:						
Direct appropriation.....	62,000,000	70,007,000	66,700,000	20,007,000	70,007,000	+8,007,000
Emergency appropriations.....	1,000,000					-1,000,000
Crime trust fund.....	48,000,000	59,251,000	59,000,000	59,251,000	59,251,000	+11,251,000
Total, Administrative review and appeals.....	111,000,000	129,258,000	125,700,000	79,258,000	129,258,000	+18,258,000
Office of Inspector General.....	31,960,000	33,211,000	35,211,000	33,211,000	33,211,000	+1,251,000
Total, General administration.....	251,783,000	271,878,000	257,110,000	221,292,000	291,368,000	+39,585,000
Appropriations.....	(179,183,000)	(212,627,000)	(198,110,000)	(162,041,000)	(232,117,000)	(+52,934,000)
Emergency appropriations.....	(24,600,000)					(-24,600,000)
Crime trust fund.....	(48,000,000)	(59,251,000)	(59,000,000)	(59,251,000)	(59,251,000)	(+11,251,000)
United States Parole Commission						
Salaries and expenses.....	4,845,000	4,799,000	4,799,000	5,009,000	5,009,000	+164,000
Legal Activities						
General legal activities:						
Direct appropriation.....	420,793,000	486,557,000	445,300,000	437,178,000	444,200,000	+23,407,000
Emergency appropriations.....	1,719,000					-1,719,000
Crime trust fund.....	7,750,000	7,969,000	7,969,000	7,969,000	7,969,000	+219,000
Total, General legal activities.....	430,262,000	474,526,000	453,269,000	445,147,000	452,169,000	+21,907,000
Vaccine injury compensation trust fund.....	4,028,000	4,028,000	4,028,000	4,028,000	4,028,000	
Independent counsel (permanent, indefinite).....	3,000,000	9,500,000	9,500,000	9,500,000	9,500,000	+6,500,000
Antitrust Division.....	92,447,000	97,542,000	94,542,000	92,447,000	93,495,000	+1,048,000
Offsetting fee collections - carryover.....	-16,000,000	-10,000,000	-16,000,000	-10,000,000	-18,000,000	-2,000,000
Offsetting fee collections - current year.....	-58,905,000	-70,000,000	-70,000,000	-70,000,000	-70,000,000	-11,095,000
Direct appropriation.....	17,542,000	17,542,000	8,542,000	12,447,000	5,495,000	-12,047,000
United States Attorneys:						
Direct appropriation.....	923,340,000	1,018,617,000	973,000,000	986,404,000	972,460,000	+49,120,000
Emergency appropriations.....	10,900,000					-10,900,000
Crime trust fund.....	43,876,000	50,828,000	62,828,000	46,128,000	62,828,000	+18,952,000
Total, United States Attorneys.....	978,116,000	1,069,445,000	1,035,828,000	1,032,532,000	1,035,288,000	+57,172,000
United States Trustee System Fund.....	107,950,000	116,721,000	107,950,000	116,721,000	114,248,000	+6,298,000
Offsetting fee collections.....	-49,869,000	-116,721,000	-107,950,000	-116,721,000	-114,248,000	-64,379,000
Direct appropriation.....	58,081,000					-58,081,000
Foreign Claims Settlement Commission.....	953,000	1,226,000	1,226,000	1,226,000	1,226,000	+273,000
United States Marshals Service:						
Direct appropriation.....	457,495,000	475,244,000	462,944,000	471,786,000	467,833,000	+10,338,000
Crime trust fund.....	25,000,000	25,553,000	25,553,000	25,553,000	25,553,000	+553,000
Total, United States Marshals Service.....	482,495,000	500,797,000	488,497,000	497,339,000	493,386,000	+10,891,000
Federal Prisoner Detention.....	405,262,000	462,831,000	405,262,000	405,262,000	405,262,000	
Fees and expenses of witnesses.....	100,702,000	75,000,000	75,000,000	75,000,000	75,000,000	-25,702,000
Community Relations Service.....	5,319,000	7,500,000	5,319,000	5,319,000	5,319,000	
Assets forfeiture fund.....	23,000,000	23,000,000	23,000,000	23,000,000	23,000,000	
Total, Legal activities.....	2,508,760,000	2,645,395,000	2,509,471,000	2,510,800,000	2,509,673,000	+913,000
Appropriations.....	(2,419,515,000)	(2,561,045,000)	(2,413,121,000)	(2,431,150,000)	(2,413,323,000)	(-6,192,000)
Emergency appropriations.....	(12,619,000)					(-12,619,000)
Crime trust fund.....	(76,626,000)	(84,350,000)	(96,350,000)	(79,650,000)	(96,350,000)	(+19,724,000)
Radiation Exposure Compensation						
Administrative expenses.....	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	
Advance appropriation.....		2,000,000	2,000,000			
Payment to radiation exposure compensation trust fund.....	13,736,000	4,381,000	4,381,000	4,381,000	4,381,000	-9,355,000
Advance appropriation.....		29,000,000	29,000,000			
Total, Radiation Exposure Compensation.....	15,736,000	37,381,000	37,381,000	6,381,000	6,381,000	-9,355,000

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Interagency Law Enforcement						
Interagency crime and drug enforcement	359,430,000	294,967,000	294,967,000	294,967,000	294,967,000	-64,463,000
Federal Bureau of Investigation						
Salaries and expenses	2,257,880,000	2,482,267,000	2,475,483,000	2,495,267,000	2,445,471,000	+187,591,000
Anti-terrorism activities (emergency appropriations)	115,610,000					-115,610,000
Counterintelligence and national security	147,081,000	147,081,000	147,081,000	200,000,000	221,050,000	+73,969,000
Non-defense function				57,601,000		
Subtotal	147,081,000	147,081,000	147,081,000	257,601,000	221,050,000	+73,969,000
FBI Fingerprint Identification	84,400,000	84,400,000	84,400,000	84,400,000	84,400,000	
Advance appropriation, FY 1999		47,800,000				
Health care fraud enforcement	-38,000,000					+38,000,000
Subtotal	2,566,971,000	2,761,548,000	2,706,944,000	2,837,268,000	2,750,921,000	+183,950,000
Crime trust fund	169,000,000	179,121,000	179,121,000	179,121,000	179,121,000	+10,121,000
Telecommunications carrier compliance fund		50,000,000				
Defense function		50,000,000	50,000,000			
Emergency appropriations	60,000,000					-60,000,000
Construction	41,639,000	49,006,000	38,506,000	59,006,000	44,506,000	+2,867,000
Total, Federal Bureau of Investigation	2,837,610,000	3,089,675,000	2,974,571,000	3,075,395,000	2,974,548,000	+138,838,000
Appropriations	(2,493,000,000)	(2,862,754,000)	(2,795,450,000)	(2,896,274,000)	(2,795,427,000)	(+302,427,000)
Advance appropriations		(47,800,000)				
Emergency appropriations	(175,610,000)					(-175,610,000)
Crime trust fund	(169,000,000)	(179,121,000)	(179,121,000)	(179,121,000)	(179,121,000)	(+10,121,000)
Drug Enforcement Administration						
Salaries and expenses	798,212,000	740,293,000	872,731,000	897,533,000	782,109,000	-16,103,000
Diversion control fund	-52,824,000	-58,268,000	-58,268,000	-58,268,000	-58,268,000	-5,444,000
Direct appropriation	745,388,000	682,025,000	814,463,000	839,265,000	723,841,000	-21,547,000
Emergency appropriations	5,000,000					-5,000,000
Crime trust fund	220,000,000	400,037,000	310,037,000	441,117,000	403,537,000	+183,537,000
Construction	30,806,000	5,500,000	5,500,000	10,500,000	8,000,000	-22,806,000
Total, Drug Enforcement Administration	1,001,194,000	1,067,562,000	1,130,000,000	1,060,882,000	1,135,378,000	+134,184,000
Appropriations	(778,194,000)	(687,525,000)	(819,963,000)	(849,785,000)	(731,841,000)	(-44,353,000)
Emergency appropriations	(5,000,000)					(-5,000,000)
Crime trust fund	(220,000,000)	(400,037,000)	(310,037,000)	(441,117,000)	(403,537,000)	(+183,537,000)
Immigration and Naturalization Service						
Salaries and expenses	1,590,159,000	1,651,463,000	1,606,441,000	1,430,199,000	1,657,886,000	+67,727,000
Emergency appropriations	15,000,000					-15,000,000
Immigration Initiative (crime trust fund)	500,000,000	732,251,000	690,957,000	719,898,000	608,206,000	+108,206,000
Subtotal, Direct and crime trust fund	(2,105,159,000)	(2,383,714,000)	(2,297,398,000)	(2,150,097,000)	(2,266,092,000)	(+160,933,000)
Fee accounts:						
Immigration legalization fund	(1,893,000)	(1,259,000)	(1,259,000)	(1,259,000)	(1,259,000)	(-634,000)
Immigration user fee	(388,664,000)	(419,296,000)	(419,296,000)	(398,896,000)	(426,622,000)	(+37,958,000)
Land border inspection fund	(11,054,000)	(8,888,000)	(8,888,000)	(8,888,000)	(8,888,000)	(-2,166,000)
Immigration examinations fund	(567,550,000)	(646,916,000)	(667,477,000)	(646,916,000)	(785,342,000)	(+217,792,000)
Breached bond fund	(6,613,000)	(104,471,000)	(104,471,000)	(138,900,000)	(235,272,000)	(+228,659,000)
Immigration enforcement fines		(13,800,000)	(13,800,000)	(3,800,000)	(3,800,000)	(+3,800,000)
Subtotal, Fee accounts	(975,774,000)	(1,194,630,000)	(1,215,191,000)	(1,198,659,000)	(1,461,183,000)	(+485,409,000)
Construction	8,841,000	73,831,000	70,959,000	73,559,000	75,959,000	+67,118,000
Total, Immigration and Naturalization Service	(3,089,774,000)	(3,652,175,000)	(3,583,548,000)	(3,422,315,000)	(3,803,234,000)	(+713,460,000)
Appropriations	(1,599,000,000)	(1,725,294,000)	(1,677,400,000)	(1,503,758,000)	(1,733,845,000)	(+134,845,000)
Emergency appropriations	(15,000,000)					(-15,000,000)
Crime trust fund	(500,000,000)	(732,251,000)	(690,957,000)	(719,898,000)	(608,206,000)	(+108,206,000)
(Fee accounts)	(975,774,000)	(1,194,630,000)	(1,215,191,000)	(1,198,659,000)	(1,461,183,000)	(+485,409,000)
Federal Prison System						
Salaries and expenses	2,858,316,000	3,015,642,000	2,917,642,000	2,932,900,000	2,911,642,000	+53,326,000
Prior year carryover	-90,000,000	-50,000,000	-90,000,000		-90,000,000	
Direct appropriation	2,768,316,000	2,965,642,000	2,827,642,000	2,932,900,000	2,821,642,000	+53,326,000
Crime trust fund	25,224,000	26,135,000	26,135,000	6,135,000	26,135,000	+911,000
Total, Salaries and expenses	2,793,540,000	2,991,777,000	2,853,777,000	2,939,035,000	2,847,777,000	+54,237,000
Buildings and facilities	395,700,000	252,833,000	255,133,000	267,833,000	255,133,000	-140,567,000

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Prison Industries, Incorporated (limitation on administrative expenses).....	(3,042,000)	(3,930,000)	(3,490,000)	(3,042,000)	(3,266,000)	(+224,000)
Total, Federal Prison System	3,189,240,000	3,244,610,000	3,106,910,000	3,206,868,000	3,102,910,000	-86,330,000
Office of Justice Programs						
Justice assistance:						
Direct appropriation.....	101,429,000	166,665,000	162,500,000	183,165,000	173,600,000	+72,171,000
Emergency appropriations.....	17,000,000					-17,000,000
Total, Justice assistance	118,429,000	166,665,000	162,500,000	183,165,000	173,600,000	+55,171,000
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	60,000,000		46,500,000	75,000,000	46,500,000	-13,500,000
Weed and seed fund (earmark)			40,000,000	(33,500,000)	33,500,000	+33,500,000
Byrne grants (formula)	301,000,000		491,500,000	376,500,000	462,500,000	+161,500,000
Subtotal, Direct appropriations	361,000,000		578,000,000	451,500,000	542,500,000	+161,500,000
Crime trust fund:						
Byrne grants (discretionary)		75,000,000				
Weed and seed fund (earmark)	(28,500,000)	(28,500,000)				(-28,500,000)
Byrne grants (formula)	199,000,000	505,000,000	13,500,000	128,500,000	42,500,000	-156,500,000
Community oriented policing services.....	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	
Police corps.....	20,000,000	20,000,000	20,000,000	40,000,000	30,000,000	+10,000,000
Law enforcement scholarship program		20,000,000				
Police recruitment grants program		5,000,000				
Prosecutorial initiatives targeting crime and violent juveniles program		100,000,000				
Juvenile crime block grant			300,000,000		250,000,000	+250,000,000
Local law enforcement block grant	523,000,000		523,000,000	503,000,000	523,000,000	
Underage drinking prevention				(25,000,000)		
Boys and Girls clubs (earmark)	(20,000,000)		(20,000,000)	(20,000,000)	(20,000,000)	
Domestic violence				(10,000,000)		
Child exploitation investigations				(2,400,000)		
Drug courts.....	30,000,000	75,000,000	30,000,000	40,000,000	30,000,000	
Upgrade criminal history records.....	50,000,000	45,000,000	45,000,000	45,000,000	45,000,000	-5,000,000
State prison grants	670,000,000	710,500,000	722,500,000	740,500,000	720,500,000	+50,500,000
State criminal alien assistance program	330,000,000	350,000,000	420,000,000	350,000,000	420,000,000	+90,000,000
Violence Against Women grants.....	196,500,000	248,750,000	305,500,000	263,750,000	270,750,000	+74,250,000
State prison drug treatment	30,000,000	63,000,000	63,000,000	61,200,000	63,000,000	+33,000,000
State courts assistance.....		50,000,000				
Other crime control programs.....	7,650,000	30,605,000	14,650,000	22,700,000	17,650,000	+10,000,000
Subtotal, Crime trust fund	3,456,150,000	3,897,855,000	3,857,150,000	3,594,650,000	3,812,400,000	+356,250,000
Total, State and local law enforcement.....	3,817,150,000	3,897,855,000	4,435,150,000	4,046,150,000	4,354,900,000	+537,750,000
Juvenile justice programs	174,500,000	230,422,000	238,672,000	235,422,000	238,672,000	+64,172,000
Crime trust fund.....				145,000,000		
Total, Juvenile Justice programs	174,500,000	230,422,000	238,672,000	380,422,000	238,672,000	+64,172,000
Public safety officers benefits program:						
Death benefits	30,126,000	31,003,000	31,003,000	31,003,000	31,003,000	+877,000
Disability benefits	2,200,000	2,264,000				-2,200,000
Federal law enforcement education assistance		2,000,000	2,000,000	2,000,000	2,000,000	+2,000,000
Total, Public safety officers benefits program.....	32,326,000	35,267,000	33,003,000	33,003,000	33,003,000	+677,000
Total, Office of Justice Programs	4,142,405,000	4,130,209,000	4,869,325,000	4,842,740,000	4,800,175,000	+657,770,000
Appropriations.....	(669,255,000)	(432,354,000)	(1,012,175,000)	(903,090,000)	(987,775,000)	(+318,520,000)
Emergency appropriations.....	(17,000,000)					(-17,000,000)
Crime trust fund.....	(3,456,150,000)	(3,697,855,000)	(3,857,150,000)	(3,739,650,000)	(3,812,400,000)	(+356,250,000)
Total, title I, Department of Justice.....	16,425,003,000	17,264,021,000	17,554,891,000	17,277,990,000	17,462,460,000	+1,037,457,000
Appropriations	(11,680,174,000)	(12,006,221,000)	(12,305,141,000)	(12,053,166,000)	(12,277,460,000)	(+597,266,000)
Advance appropriations		(78,800,000)	(31,000,000)			
Emergency appropriations.....	(249,829,000)					(-249,829,000)
Crime trust fund.....	(4,495,000,000)	(5,179,000,000)	(5,218,750,000)	(5,224,822,000)	(5,185,000,000)	(+680,000,000)
(Limitation on administrative expenses)	(3,042,000)	(3,930,000)	(3,490,000)	(3,042,000)	(3,266,000)	(+224,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	21,449,000	22,092,000	22,700,000	22,092,000	23,450,000	+2,001,000

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
International Trade Commission						
Salaries and expenses	40,850,000	41,980,000	41,400,000	41,000,000	41,200,000	+350,000
Total, Related agencies	62,299,000	64,072,000	64,100,000	63,092,000	64,650,000	+2,351,000
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	270,000,000	271,636,000	279,500,000	280,736,000	283,066,000	+13,066,000
Export Administration						
Operations and administration	36,000,000	43,126,000	41,000,000	43,126,000	42,000,000	+6,000,000
CWC enforcement		3,500,000			1,900,000	+1,900,000
Emergency appropriations	3,900,000					-3,900,000
Total, Export Administration	39,900,000	46,626,000	41,000,000	43,126,000	43,900,000	+4,000,000
Economic Development Administration						
Economic development assistance programs	328,500,000	319,000,000	340,000,000	250,000,000	340,000,000	+11,500,000
Emergency appropriations	25,000,000					-25,000,000
Emergency appropriations (1997 supplemental)	50,200,000					-50,200,000
Subtotal	403,700,000	319,000,000	340,000,000	250,000,000	340,000,000	-63,700,000
Salaries and expenses	20,036,000	24,028,000	21,000,000	22,028,000	21,028,000	+992,000
Emergency appropriations (1997 supplemental)	2,000,000					-2,000,000
Total, Economic Development Administration	425,736,000	343,028,000	361,000,000	272,028,000	361,028,000	-64,708,000
Minority Business Development Agency						
Minority business development	28,000,000	27,811,000	25,000,000	27,811,000	25,000,000	-3,000,000
Total, Trade and Infrastructure Development	825,935,000	753,173,000	770,800,000	686,763,000	777,644,000	-48,291,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	45,900,000	52,196,000	46,000,000	47,917,000	47,499,000	+1,599,000
Bureau of the Census						
Salaries and expenses	135,000,000	138,056,000	136,499,000	138,056,000	137,278,000	+2,278,000
Periodic censuses and programs	210,500,000	523,126,000	550,126,000	520,726,000	555,813,000	+345,313,000
Total, Bureau of the Census	345,500,000	661,182,000	686,625,000	658,782,000	693,091,000	+347,591,000
National Telecommunications and Information Administration						
Salaries and expenses	15,000,000	18,074,000	17,100,000	16,574,000	16,550,000	+1,550,000
Public telecommunications facilities, planning and construction	15,250,000		16,750,000	25,000,000	21,000,000	+5,750,000
Information infrastructure grants	21,490,000	36,000,000	21,490,000	21,490,000	20,000,000	-1,490,000
Total, National Telecommunications and Information Administration	51,740,000	54,074,000	55,340,000	63,064,000	57,550,000	+5,810,000
Patent and Trademark Office						
Salaries and expenses	61,252,000	27,000,000	22,000,000	27,000,000	27,000,000	-34,252,000
Fees collected	(601,723,000)	(629,320,000)	(684,000,000)	(629,320,000)	(684,000,000)	(+82,277,000)
(Prior year carryover)	(30,000,000)		(18,000,000)	(27,000,000)	(25,000,000)	(-5,000,000)
Total, Patent and Trademark Office	(692,975,000)	(656,320,000)	(704,000,000)	(683,320,000)	(716,000,000)	(+23,025,000)
Total, Economic and Information Infrastructure	504,392,000	794,452,000	809,965,000	796,763,000	825,140,000	+320,748,000
SCIENCE AND TECHNOLOGY						
Technology Administration						
Salaries and expenses	9,500,000	9,230,000	8,500,000	8,800,000	8,500,000	-1,000,000
National Institute of Standards and Technology						
Scientific and technical research and services	268,000,000	276,852,000	276,852,000	276,852,000	276,852,000	+8,852,000
Industrial technology services	313,000,000	399,000,000	298,800,000	311,040,000	308,000,000	-7,000,000
Construction of research facilities		16,992,000	111,092,000	16,000,000	95,000,000	+95,000,000
Total, National Institute of Standards and Technology	581,000,000	692,844,000	686,544,000	603,892,000	677,852,000	+98,852,000

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
National Oceanic and Atmospheric Administration						
Operations, research and facilities.....	1,854,067,000	1,478,245,000	1,391,400,000	1,999,052,000	1,512,050,000	-342,017,000
Offsetting collections - fees.....	-3,000,000	-3,000,000	-3,000,000	-3,000,000	-3,000,000	
Direct appropriation.....	1,851,067,000	1,473,245,000	1,388,400,000	1,996,052,000	1,509,050,000	-342,017,000
(By transfer from Promote and Develop Fund).....	(98,000,000)	(62,381,000)	(63,881,000)	(62,381,000)	(62,381,000)	(-3,619,000)
(By transfer from Damage assessment and restoration revolving fund, permanent).....	6,000,000	5,000,000	5,000,000	5,000,000	5,000,000	-1,000,000
(Damage assessment and restoration revolving fund).....	-6,000,000	-5,000,000	-5,000,000	-5,000,000	-5,000,000	+1,000,000
Total, Operations, research and facilities.....	1,851,067,000	1,473,245,000	1,388,400,000	1,996,052,000	1,509,050,000	-342,017,000
Procurement, acquisition and construction.....		503,464,000	460,600,000		491,609,000	+491,609,000
Advance appropriations, FY 1999 - 2010.....		3,485,517,000				
Coastal zone management fund.....	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	
Mandatory offset.....	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	
Construction.....	58,250,000			88,000,000		-58,250,000
Emergency appropriations (1997 supplemental).....	10,800,000					-10,800,000
Fleet modernization, shipbuilding and conversion.....	8,000,000			15,823,000		-8,000,000
Fishing vessel and gear damage fund.....	200,000			200,000		-200,000
Fishermen's contingency fund.....	1,000,000	953,000	953,000	953,000	953,000	-47,000
Foreign fishing observer fund.....	198,000	189,000	189,000	189,000	189,000	-7,000
Fisheries finance program account.....	250,000	238,000	250,000	338,000	338,000	+88,000
Total, National Oceanic and Atmospheric Administration.....	1,929,763,000	5,463,806,000	1,850,392,000	2,101,555,000	2,002,139,000	+72,376,000
Total, Science and Technology.....	2,520,263,000	6,165,380,000	2,545,436,000	2,714,247,000	2,688,491,000	+168,228,000
General Administration						
Salaries and expenses.....	28,490,000	30,085,000	26,490,000	28,490,000	27,490,000	-1,000,000
Office of Inspector General.....	20,140,000	21,677,000	20,140,000	20,140,000	20,140,000	
Working capital fund (by transfer).....	(3,000,000)			(3,000,000)		(-3,000,000)
Total, General administration.....	48,630,000	51,762,000	46,630,000	48,630,000	47,630,000	-1,000,000
National Institute of Standards and Technology						
Construction of research facilities (rescission).....	-16,000,000					+16,000,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities (rescission).....	-20,000,000		-5,000,000		-20,500,000	-500,000
General reduction.....				-10,490,000		
United States Travel and Tourism Administration						
Salaries and expenses (rescission).....					-3,000,000	-3,000,000
Total, Department of Commerce.....	3,800,921,000	7,700,695,000	4,103,531,000	4,172,851,000	4,250,755,000	+449,834,000
Total, title II, Department of Commerce and related agencies.....	3,863,220,000	7,764,767,000	4,167,631,000	4,235,943,000	4,315,405,000	+452,185,000
Appropriations.....	(3,807,320,000)	(4,279,250,000)	(4,172,631,000)	(4,235,943,000)	(4,338,905,000)	(+531,585,000)
Rescissions.....	(-36,000,000)		(-5,000,000)		(-23,500,000)	(+12,500,000)
Advance appropriations.....		(3,485,517,000)				
Emergency appropriations.....	(91,900,000)					(-91,900,000)
(By transfer).....	(69,000,000)	(62,381,000)	(63,881,000)	(65,381,000)	(62,381,000)	(-6,619,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices.....	1,704,000	1,654,000	1,654,000	1,654,000	1,654,000	-50,000
Other salaries and expenses.....	25,453,000	27,624,000	27,624,000	27,249,000	27,591,000	+2,138,000
Total, Salaries and expenses.....	27,157,000	29,278,000	29,278,000	28,903,000	29,245,000	+2,088,000
Care of the building and grounds.....	2,800,000	3,997,000	3,400,000	6,170,000	3,400,000	+600,000
Total, Supreme Court of the United States.....	29,957,000	33,275,000	32,678,000	35,073,000	32,645,000	+2,688,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges.....	1,896,000	1,887,000	1,887,000	1,887,000	1,887,000	-11,000
Other salaries and expenses.....	13,115,000	14,269,000	13,620,000	13,909,000	13,688,000	+573,000
Total, Salaries and expenses.....	15,013,000	16,156,000	15,507,000	15,796,000	15,575,000	+562,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges.....	1,447,000	1,483,000	1,483,000	1,483,000	1,483,000	+36,000
Other salaries and expenses.....	9,667,000	9,995,000	9,995,000	9,995,000	9,995,000	+299,000
Total, Salaries and expenses.....	11,114,000	11,478,000	11,478,000	11,478,000	11,449,000	+335,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges.....	225,956,000	227,674,000	227,674,000	227,674,000	227,674,000	+1,718,000
Other salaries and expenses.....	2,330,044,000	2,614,166,000	2,459,395,000	2,562,103,000	2,454,726,000	+124,682,000
Emergency appropriations.....	10,000,000					-10,000,000
Direct appropriation.....	2,566,000,000	2,841,840,000	2,687,069,000	2,789,777,000	2,682,400,000	+116,400,000
Crime trust fund.....	30,000,000	50,000,000	40,000,000		40,000,000	+10,000,000
Total, Salaries and expenses.....	2,596,000,000	2,891,840,000	2,727,069,000	2,789,777,000	2,722,400,000	+126,400,000
Vaccine Injury Compensation Trust Fund.....	2,390,000	2,450,000	2,450,000	2,450,000	2,450,000	+60,000
Defender services.....	308,000,000	329,529,000	329,529,000	308,000,000	329,529,000	+21,529,000
Fees of jurors and commissioners.....	67,000,000	69,651,000	66,196,000	68,252,000	64,438,000	-2,562,000
Court security.....	127,000,000	170,304,000	167,214,000	167,883,000	167,214,000	+40,214,000
Total, Courts of Appeals, District Courts, and Other Judicial Services.....	3,100,390,000	3,463,774,000	3,292,458,000	3,336,362,000	3,286,031,000	+185,641,000
Administrative Office of the United States Courts						
Salaries and expenses.....	49,450,000	54,108,000	52,000,000	53,843,000	52,000,000	+2,550,000
Federal Judicial Center						
Salaries and expenses.....	17,495,000	18,425,000	17,495,000	17,495,000	17,495,000	
Judicial Retirement Funds						
Payment to Judiciary Trust Funds.....	30,200,000	32,200,000	34,200,000	34,200,000	34,200,000	+4,000,000
United States Sentencing Commission						
Salaries and expenses.....	8,480,000	9,480,000	9,000,000	9,480,000	9,240,000	+750,000
General Provisions						
Judges' pay raise.....				6,000,000	5,000,000	+5,000,000
Total, title III, the Judiciary.....	3,262,109,000	3,638,896,000	3,464,816,000	3,519,727,000	3,463,835,000	+201,526,000
Appropriations.....	(3,222,109,000)	(3,588,896,000)	(3,424,816,000)	(3,519,727,000)	(3,423,835,000)	(+201,526,000)
Emergency appropriations.....	(10,000,000)					(-10,000,000)
Crime trust fund.....	(30,000,000)	(50,000,000)	(40,000,000)		(40,000,000)	(+10,000,000)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs.....	1,700,900,000	1,291,277,000	1,706,577,000	1,727,868,000	1,705,600,000	+4,700,000
Registration fees.....	700,000	700,000	700,000	700,000	700,000	
Emergency appropriations (security).....	23,700,000					-23,700,000
Security.....			23,700,000		23,700,000	+23,700,000
Machine-readable visa fees.....				(140,000,000)		
Fee proposal.....		595,000,000				
Total, Diplomatic and consular programs.....	(1,725,300,000)	(1,886,977,000)	(1,730,977,000)	(1,868,568,000)	(1,730,000,000)	(+4,700,000)
Salaries and expenses.....	352,300,000	363,513,000	363,513,000	363,513,000	363,513,000	+11,213,000
Capital investment fund.....	24,600,000	64,600,000	50,800,000	105,000,000	86,000,000	+61,400,000
Office of Inspector General.....	27,495,000	28,300,000	28,300,000	27,495,000	27,495,000	
Representation allowances.....	4,490,000	4,300,000	4,300,000	4,100,000	4,200,000	-290,000
Protection of foreign missions and officials.....	8,332,000	7,900,000	7,900,000	7,900,000	7,900,000	-432,000
Security and maintenance of United States missions.....	364,495,000	373,081,000	373,081,000	420,281,000	404,000,000	+39,505,000
Emergency appropriations.....	24,825,000					-24,825,000
Total, Security and maintenance of United States missions.....	389,320,000	373,081,000	373,081,000	420,281,000	404,000,000	+14,680,000
Emergencies in the diplomatic and consular service.....	5,800,000	5,500,000	5,500,000	5,500,000	5,500,000	-300,000
Repatriation Loans Program Account:						
Direct loans subsidy.....	593,000	593,000	593,000	593,000	593,000	
Administrative expenses.....	663,000	607,000	607,000	607,000	607,000	-56,000
Total, Repatriation loans program account.....	1,256,000	1,200,000	1,200,000	1,200,000	1,200,000	-56,000

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Payment to the American Institute in Taiwan.....	14,490,000	14,490,000	14,000,000	14,490,000	14,000,000	-490,000
Payment to the Foreign Service Retirement and Disability Fund.....	126,491,000	129,935,000	129,935,000	129,935,000	129,935,000	+ 3,444,000
Total, Administration of Foreign Affairs.....	2,679,874,000	2,879,796,000	2,709,306,000	2,807,982,000	2,773,743,000	+83,869,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment.....	892,000,000	969,000,000	924,952,000	903,009,000	901,515,000	+ 9,515,000
Prior year assessment.....		54,000,000	54,000,000	54,000,000	54,000,000	+54,000,000
Subtotal.....	892,000,000	1,023,000,000	978,952,000	957,009,000	955,515,000	+ 63,515,000
Contributions for international peacekeeping activities, current year.....	302,400,000	240,000,000	215,000,000	154,320,000	210,000,000	-92,400,000
Prior year assessment.....	50,000,000	46,000,000	46,000,000	46,000,000	46,000,000	-4,000,000
Subtotal.....	352,400,000	286,000,000	261,000,000	200,320,000	256,000,000	-96,400,000
International conferences and contingencies.....		4,941,000	1,500,000			
Total, International Organizations and Conferences.....	1,244,400,000	1,313,941,000	1,241,452,000	1,157,329,000	1,211,515,000	-32,885,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses.....	15,490,000	18,490,000	17,490,000	18,200,000	17,490,000	+ 2,000,000
Construction.....	6,463,000	6,463,000	6,463,000	6,463,000	6,463,000	
American sections, international commissions.....	5,490,000	5,680,000	5,490,000	5,010,000	5,490,000	
International fisheries commissions.....	14,549,000	14,549,000	14,490,000	14,549,000	14,549,000	
Total, International commissions.....	41,992,000	45,182,000	43,933,000	44,222,000	43,992,000	+ 2,000,000
Other						
Payment to the Asia Foundation.....	8,000,000	8,000,000	8,000,000	5,000,000	8,000,000	
Total, Department of State.....	3,974,268,000	4,246,899,000	4,002,691,000	4,014,533,000	4,037,250,000	+ 62,984,000
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities.....	41,500,000	46,200,000	41,500,000	32,613,000	41,500,000	
United States Information Agency						
International information programs.....	440,000,000	434,097,000	430,597,000	427,097,000	427,097,000	-12,903,000
Emergency appropriations.....	1,375,000					-1,375,000
Total, salaries and expenses.....	441,375,000	434,097,000	430,597,000	427,097,000	427,097,000	-14,278,000
Technology fund.....	5,050,000	7,000,000	5,050,000	10,000,000	5,050,000	
Educational and cultural exchange programs.....	185,000,000	197,731,000	183,731,000	200,000,000	197,731,000	+ 12,731,000
Eisenhower Exchange Fellowship Program, trust fund.....	600,000	600,000	600,000	570,000	570,000	-30,000
Israeli Arab scholarship program.....	400,000	400,000	400,000	400,000	400,000	
International Broadcasting Operations.....	325,000,000	366,750,000	381,550,000	339,855,000	364,415,000	+39,415,000
Broadcasting to Cuba (direct).....	25,000,000			22,095,000	22,095,000	-2,905,000
Radio construction.....	35,490,000	32,710,000	40,000,000	32,710,000	40,000,000	+ 4,510,000
East-West Center.....	10,000,000	7,000,000		22,000,000	12,000,000	+ 2,000,000
North/South Center.....	1,495,000	1,500,000		3,000,000	1,500,000	+ 5,000
National Endowment for Democracy.....	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	
Total, United States Information Agency.....	1,059,410,000	1,077,788,000	1,081,928,000	1,087,527,000	1,100,858,000	+ 41,448,000
Arms Control and Disarmament Agency						
Arms control and disarmament activities (rescission).....					-700,000	-700,000
Total, related agencies.....	1,100,910,000	1,123,988,000	1,133,428,000	1,120,140,000	1,141,858,000	+ 40,748,000
Total, title IV, Department of State.....	5,075,176,000	5,370,887,000	5,136,119,000	5,134,673,000	5,178,908,000	+ 103,732,000
Appropriations.....	(5,025,278,000)	(5,370,887,000)	(5,136,119,000)	(5,134,673,000)	(5,179,608,000)	(+ 154,332,000)
Emergency appropriations.....	(49,900,000)					(-49,900,000)
Rescissions.....					(-700,000)	(-700,000)

TITLE V - RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Operating-differential subsidies (liquidation of contract authority).....	(148,430,000)	(135,000,000)	(51,030,000)	(135,000,000)	(51,030,000)	(-97,400,000)
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**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Maritime Security Program.....	54,000,000	52,400,000	35,500,000	35,000,000	35,500,000	-18,500,000
Operations and training	65,000,000	70,000,000	65,000,000	69,000,000	67,600,000	+2,600,000
Maritime Guaranteed Loan Program Account:						
Guaranteed loans subsidy	37,450,000	35,000,000	35,000,000	29,000,000	32,000,000	-5,450,000
Administrative expenses.....	3,450,000	4,000,000	3,450,000	4,000,000	3,725,000	+275,000
Total, Maritime guaranteed loan program account.....	40,900,000	39,000,000	38,450,000	33,000,000	35,725,000	-5,175,000
Total, Maritime Administration	159,900,000	161,400,000	138,950,000	137,000,000	138,825,000	-21,075,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	206,000	206,000	250,000	206,000	250,000	+44,000
Commission on the Advancement of Federal Law Enforcement						
Salaries and expenses	2,000,000					-2,000,000
Commission on Civil Rights						
Salaries and expenses	8,740,000	11,000,000	8,740,000	8,740,000	8,740,000	
Commission on Immigration Reform						
Salaries and expenses	2,196,000	500,000	496,000	459,000	459,000	-1,737,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,090,000	1,090,000	1,090,000	1,090,000	
Equal Employment Opportunity Commission						
Salaries and expenses	239,740,000	246,000,000	239,740,000	242,000,000	242,000,000	+2,260,000
Federal Communications Commission						
Salaries and expenses	188,079,000	219,079,000	177,079,000	185,949,000	186,514,000	-1,565,000
Offsetting fee collections - current year	-152,523,000	-162,523,000	-152,523,000	-162,523,000	-162,523,000	-10,000,000
Direct appropriation.....	35,556,000	56,556,000	24,556,000	23,426,000	23,961,000	-11,565,000
Federal Maritime Commission						
Salaries and expenses	14,000,000	14,300,000	13,500,000	14,300,000	14,000,000	
Federal Trade Commission						
Salaries and expenses	101,830,000	108,000,000	105,000,000	108,000,000	108,500,000	+4,570,000
Offsetting fee collections - carryover.....	-16,000,000	-10,000,000	-16,000,000	-10,000,000	-18,000,000	-2,000,000
Offsetting fee collections - current year	-58,905,000	-70,000,000	-70,000,000	-70,000,000	-70,000,000	-11,095,000
Direct appropriation.....	27,025,000	28,000,000	19,000,000	28,000,000	18,500,000	-8,525,000
Gambling Impact Study Commission						
Salaries and expenses	4,000,000			1,000,000	1,000,000	-3,000,000
Legal Services Corporation						
Payment to the Legal Services Corporation	283,000,000	340,000,000	250,000,000	300,000,000	283,000,000	
Marine Mammal Commission						
Salaries and expenses	1,189,000	1,240,000	1,000,000	1,240,000	1,185,000	-4,000
National Bankruptcy Review Commission						
Salaries and expenses	494,000					-494,000
Ounce of Prevention Council						
Direct appropriation.....	500,000					-500,000
Crime trust fund.....		9,000,000				
Securities and Exchange Commission						
Salaries and expenses	305,400,000	317,412,000	315,000,000	317,412,000	315,000,000	+9,600,000
Offsetting fee collections	-222,622,000	-249,523,000	-249,523,000	-249,523,000	-249,523,000	-26,901,000
Offsetting fee collections - carryover.....	-45,000,000	-32,000,000	-32,000,000	-32,000,000	-32,000,000	+13,000,000
Direct appropriation.....	37,778,000	35,889,000	33,477,000	35,889,000	33,477,000	-4,301,000
Small Business Administration						
Salaries and expenses	239,547,000	246,100,000	235,047,000	246,100,000	254,200,000	+14,653,000
Offsetting fee collections	-4,500,000					+4,500,000
Direct appropriation.....	235,047,000	246,100,000	235,047,000	246,100,000	254,200,000	+19,153,000
Office of Inspector General	9,000,000	10,600,000	9,490,000	10,600,000	10,000,000	+1,000,000

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued**

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Business Loans Program Account:						
Direct loans subsidy.....	1,691,000					-1,691,000
Guaranteed loans subsidy.....	179,700,000	173,235,000	187,100,000	181,232,000	181,232,000	+1,532,000
Micro loan guarantees.....	2,317,000					-2,317,000
Administrative expenses.....	94,000,000	94,000,000	94,000,000	94,000,000	94,000,000	
Total, Business loans program account.....	277,708,000	267,235,000	281,100,000	275,232,000	275,232,000	-2,476,000
Disaster Loans Program Account:						
Direct loans subsidy.....					23,200,000	+23,200,000
Administrative expenses.....	191,832,000	173,200,000	199,100,000	173,200,000	150,000,000	-41,932,000
Emergency appropriations.....	135,000,000					-135,000,000
Total, Disaster loans program account.....	326,832,000	173,200,000	199,100,000	173,200,000	173,200,000	-153,732,000
Surety bond guarantees revolving fund.....	3,730,000	3,500,000	3,500,000	3,500,000	3,500,000	-230,000
Total, Small Business Administration.....	852,417,000	700,635,000	728,237,000	708,632,000	716,132,000	-136,285,000
State Justice Institute						
Salaries and expenses 1/.....	6,000,000	13,550,000	3,000,000	13,550,000	6,850,000	+850,000
Total, title V, Related agencies.....	1,675,831,000	1,619,366,000	1,462,036,000	1,515,532,000	1,489,499,000	-186,332,000
Appropriations.....	(1,540,831,000)	(1,610,366,000)	(1,462,036,000)	(1,515,532,000)	(1,489,499,000)	(-51,332,000)
(Liquidation of contract authority).....	(148,430,000)	(135,000,000)	(51,030,000)	(135,000,000)	(51,030,000)	(-97,400,000)
TITLE VI - GENERAL PROVISIONS						
DEPARTMENT OF JUSTICE						
Congressional legal expenses (sec. 616).....			1,000,000			
GOVERNMENT-WIDE						
Defense function (by transfer).....		(34,025,000)	(34,025,000)	(34,025,000)	(33,169,000)	(+33,169,000)
International function (by transfer).....		(47,089,000)	(48,592,000)	(48,592,000)	(45,432,000)	(+45,432,000)
Domestic function (by transfer).....		(31,845,000)	(31,845,000)	(31,845,000)	(31,061,000)	(+31,061,000)
Total, title VI, general provisions.....			1,000,000			
Appropriations.....			(1,000,000)			
(By transfer).....		(112,959,000)	(112,462,000)	(112,462,000)	(109,662,000)	(+109,662,000)
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission).....	-36,400,000			-30,310,000	-100,000,000	-63,600,000
Immigration and Naturalization Service						
Immigration Emergency fund (rescission).....	-34,779,000					+34,779,000
Total, title VII, Rescissions.....	-71,179,000			-30,310,000	-100,000,000	-28,821,000
TITLE VIII - EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
National Oceanic and Atmospheric Administration						
Operations, research and facilities.....					7,000,000	+7,000,000
Grand total:						
New budget (obligational) authority.....	30,230,160,000	35,657,937,000	31,786,493,000	31,653,555,000	31,816,907,000	+1,586,747,000
Appropriations.....	(25,275,710,000)	(26,855,620,000)	(26,501,743,000)	(26,459,043,000)	(26,709,107,000)	(+1,433,397,000)
Advance appropriations.....		(3,564,317,000)	(31,000,000)			
Emergency appropriations.....	(536,629,000)				(7,000,000)	(-529,629,000)
Rescissions.....	(-107,179,000)		(-5,000,000)	(-30,310,000)	(-124,200,000)	(-17,021,000)
Crime trust fund.....	(4,525,000,000)	(5,238,000,000)	(5,258,750,000)	(5,224,822,000)	(5,225,000,000)	(+700,000,000)
(By transfer).....	(69,000,000)	(175,340,000)	(176,343,000)	(177,843,000)	(172,043,000)	(+103,043,000)
(Limitation on administrative expenses).....	(3,042,000)	(3,930,000)	(3,490,000)	(3,042,000)	(3,266,000)	(+224,000)
(Liquidation of contract authority).....	(148,430,000)	(135,000,000)	(51,030,000)	(135,000,000)	(51,030,000)	(-97,400,000)

1/ President's budget proposes \$5,000,000 for State Justice Institute.

Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield myself 5¼ minutes.

Mr. Speaker, the gentleman is honored, I think I am more relieved to be here finally, and not any more excited about being the last vehicle out of town than he is as everybody jumps on our bill. I want to commend the gentleman for his fine management of this bill and his dealing with all the appropriation issues all year. He has been extremely capable, as always.

The gentleman from Kentucky is very gracious. He has allowed the minority to participate in the process fully, which the minority greatly appreciates. He has also been very adroit in his handling and compromising of the accounts that are under our jurisdiction as well as, particularly because we are the last vehicle out of town, as accommodating as he possibly can be to all of the authorizing requests that we have received in the last 2 weeks particularly. He has done an outstanding job, as he always does, and I am very grateful for the opportunity to cooperate with him as we move this bill forward.

Likewise, I want to express appreciation to the gentleman from Louisiana [Mr. LIVINGSTON], who has been extremely active and constructive in ensuring that our process moves forward at every step of the way.

I would also like to extend a special thanks to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member, who has been tireless in giving needed attention to the details of not only this bill but particularly this bill, but what is really impressive, the detail that he gives to all 13 of our appropriations subcommittee bills. I am very personally appreciative for his help to me and his guidance. I thank the gentleman for the attention he has given to it. I know it has been tireless.

The gentleman from Colorado [Mr. SKAGGS] and the gentleman from California [Mr. DIXON] are tremendous contributors to our subcommittee on the minority. I very much appreciate and enjoy working with these friends and colleagues.

Mr. Speaker, I want to commend the hard work of all staff involved, particularly Sally Gaines and Liz Whyte of my personal staff, and Jim Kulikowski, Therese McAuliffe, Jennifer Millier, Mike Ringler and Jane Weisman of the committee staff, along with my sincere appreciation for all of the efforts of the minority appropriations staff, Mark MURRAY, David Reich and Pat Schleuter.

Mr. Speaker, joining in much of the sentiment expressed by our chairman, my colleagues should be pleased with the core funding contained in this bill. The centerpiece of this bill, the defining characteristic of it, if you will, is law enforcement, which is robustly

funded. The FBI enjoys a \$136 million increase over last year in this bill; the Drug Enforcement Administration, a \$134 million increase; the Immigration and Naturalization Service, a whopping \$714 million increase.

The INS funding provides for 1,000 new Border Patrol and the equipment to support them. The COPS program, fully funded at \$1.4 billion, keeps us on track toward the President's promise to increase Federal funding for new policemen on the beat to the 100,000 number. The crime trust fund is increased by \$356 million. The popular Byrne Grant program is robustly funded at \$505 million. The Violence Against Women program is increased by \$74 million. Juvenile crime prevention is \$489 million, of which \$239 is for prevention programs, which is an increase of \$64 million. Legal services is increased in conference to \$283 million.

Overall, the Justice Department enjoys a \$1.037 billion increase under this bill. State, USIA, Arms Control is an overall \$5.17 billion, an increase of \$100 million. The Judiciary enjoys a \$200 million increase to \$3.4 billion. The Commerce Department in this bill is increased \$450 million to \$4.3 billion. Of that, NOAA enjoys a \$100 million increase. ATP is funded at \$192 million, \$82 million in new grant money.

The census, Mr. Speaker, is increased by \$349 million in preparation for the very important decennial census. This report contains a very imperfect compromise admittedly regarding the inclusion of sampling in the census process. The best thing I can say is that the agreement assures that this time-sensitive process, planning for the 2000 census, can go forward incorporating the statistical technique of sampling, which all the experts say will that the 2000 census can be the most accurate in the history of the Nation.

The gentleman from Ohio [Mr. SAWYER], the gentleman from New York [Mrs. MALONEY], the gentleman from California [Mr. BECERRA] and the gentleman from California [Ms. WATERS] all deserve our gratitude for the time and attention they have given to this issue. The gentleman from Ohio [Mr. SAWYER] and the gentleman from New York [Mrs. MALONEY] are students of it, and they have made insightful contributions to the democratic process as this process has moved forward. I appreciate their help.

I urge my colleagues to support this conference report. It is on balance an excellent bill, while containing several difficult but, on balance, satisfactory compromises.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON] the very dynamic chairman of the full committee.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from Kentucky

for yielding this time to me, and I congratulate him for doing an outstanding job on a difficult bill. The gentleman from Kentucky is one of our best negotiators. He has hung tough to the very last minute, and I think that he will not want to hang so tough until the last minute the next time, but I appreciate the great work that he has done on this bill.

I also want to pay tribute to the tremendous job by the gentleman from West Virginia, the ranking minority member of the subcommittee, and to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the full committee. They have been incredibly helpful in getting this bill through. I hope with their help that we will get it all the way through and that it will find its way through passage tonight and not at some later date.

I also want to thank the staff. As the gentleman from Kentucky [Mr. ROGERS] has pointed out, they worked all night last night, and many went without sleep for a couple of days in order to get this bill prepared for the floor. Frankly, they and all of the staff on the Committee on Appropriations have just been invaluable throughout this very difficult year. I thank them for their service.

I would like to take this opportunity to just pose a colloquy with the gentleman from Kentucky, the chairman of the subcommittee, to congratulate him for his work and just ask him what in his mind might happen to the floor schedule if in fact a motion to recommit were adopted or if in fact this bill failed to pass tonight.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Kentucky.

Mr. ROGERS. If a motion to recommit should pass, under the rules of the House, the bill would have to be reconferred with the Senate, which means we would have to reconvene a conference with the Senate and bring the bill back at some future time.

□ 2030

Now I am told that that may be difficult to do, because I am told most of the Members of the other body are not present in town at this time, which means that we would have to, I guess, go to next week or some other time to bring the House back in session and try to pass a bill at that time.

Now, if the bill fails tonight, by the same token, we have to reconference and come back at some future time, so we would be here next week.

Mr. LIVINGSTON. Mr. Speaker, I just want to be absolutely clear. If Members think for some reason that it might be a good idea to vote for the motion to recommit and they happen to be in the majority, or, in the alternative, if they were to vote against the bill and they were to find themselves in

the majority, and the bill for any reason were to be defeated tonight, the gentleman is absolutely correct, we could not convene a conference tomorrow. We could only convene a conference when the Members of both bodies could be accumulated some time next week or some time later on this year, and we would have to go through an additional extended continuing resolution. We would risk the possibility of the closure of the State Department, the Commerce Department, the Justice Department.

I just caution Members, if in fact they are considering not supporting this bill or supporting the motion to recommit, it would be a bad idea. Let us get this bill passed, and let us put it to bed and say good night to the first session of the 105th Congress.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. DIXON], a very valuable member of the subcommittee.

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I certainly would like to add my comments of congratulations to the chairman of the committee and the ranking member of the committee for the fine work that they have done. I think most Members realize that in this conference process it did not follow the traditional process, and I think under all the circumstances they have done an excellent job.

I rise in full support of the conference committee, and I certainly identify with the gentlemen and the ladies of the House who have expressed clear displeasure with the census language in this bill. If this was an up and down vote on census language, I would not be voting for it. But the truth of the matter is that no matter what we say about this reprehensible language, it does not prohibit sampling, statistical sampling, in the pilot program, nor does it prohibit it being used in the year 2000 but, rather, it leaves that fight to be fought another day.

The truth of the matter is that there are people who want an accurate count in the House and then there are people that want an accurate count. How do we count 270 million people in our country? Some would suggest it is door to door. I doubt that any of my colleagues really believe that.

If my colleagues look at the CONGRESSIONAL RECORD, if they read the newspapers and if they listen to the 1 minutes, we use statistical data to illustrate our point. Most of that comes from statistical sampling, not door-to-door searches.

But more importantly, we have to look at what this bill does do, and for those who are interested in 245(I), it extends past the signing of the bill for 60 days the opportunity for people to get the I-130 forms. For those who are interested in legal services, it has \$30

million more than this House provided. It is at a figure of \$283 million. For those who are interested in crime prevention programs, it has \$64 million above last year's programs. And for those who are interested in the Ninth Circuit in California, it sets up a reasonable way to take an objective approach to how we divide the Ninth Circuit Court up.

Mr. Speaker, it is for all those reasons that it does not prohibit the use of statistical sampling, that it has many good programs for law enforcement as well as social programs, that I urge each Member to vote aye on the conference report.

Mr. ROGERS. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa [Mr. LATHAM], a very distinguished, hard-working member of our subcommittee who has contributed much to our cause here.

Mr. LATHAM. Mr. Speaker, I especially want to thank the chairman, the gentleman from Kentucky, for all of his very hard work, and the ranking member that did such a great job, and I think the Members should be aware that we would not have any problems on this bill if it were not for extraneous provisions that were brought in.

This committee has worked very, very hard and on a bipartisan basis to get a very good bill to the floor, and I too, would like to commend the staff for doing a tremendous job. It has been a real pleasure in my first year on the subcommittee to work with such a professional staff, and they have done a great job.

Just some of the provisions in the bill and reasons I think that all Members should strongly support this bill: When we talk about the COPS Program, it does continue the funding at \$1.4 billion for the 100,000 new police officers on the street. But very important to me is the fact that it increases from 10 to 20 percent the COPS More Program.

Many of the communities in my district cannot afford the COPS Program to put additional officers on the force and then 3 years later have to take over the funding. They just simply do not have it in their budget. So the COPS More Program is extremely important, that they can buy technology and equipment that they so desperately need.

The COPS Program also establishes four innovative new programs. There is \$35 million for law enforcement technology grants, \$35 million for drug enforcement grants, \$34 million for methamphetamine initiatives, which is a problem that has exploded in the upper Midwest and in Iowa in my district; also, \$1 million for police recruitment programs.

In the Office of the Justice programs, which are increased from \$118 to \$173 million, it includes a very important provision. There is \$25 million for a

new national sex offender registry, extremely important, I think, in this day and age.

As far as the State and local law enforcement assistance, it is increased dramatically, about \$500 million, the highest level ever on the Byrne grants, and the Weed & Seed programs establish a new \$250 million juvenile crime block grant and increases by \$75 million the Violence Against Women grants, which is up to \$271 million. Again, that is increased by \$75 million. There is \$720 million for State prison grants; when we talked about truth-in-sentencing, very, very important.

As far as funding for the INS, that is increased from \$2.1 to about \$2.5 billion, and that includes funding for improved INS fingerprinting equipment, requires fingerprinting services must be conducted by INS agents or law enforcement agents. If my colleagues remember, last year, we had testimony that Pookie's Bar & Grill in California was doing fingerprinting for us, paid by the tax dollars to fingerprint potential U.S. citizens.

And it also guarantees that citizenship cannot be granted without a full and completed FBI background check, and the reason for this, my colleagues, is in the rush last year to have more citizens register to vote, especially in California, there were 186,000 people who were given citizenship last year without an FBI background check.

By any standard, when we talked about sampling, about 20 percent of those people normally are convicted felons. That means, in a conservative way, there are over 30,000 convicted felons who are given citizenship. This will put a stop to that, and I urge support of this bill.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I am going to vote for this bill, and I personally want to thank the Chair and the ranking member and the subcommittee and the House for considering a number of issues critical for California in a favorable light.

I am unhappy about the Census language, but I will still support the bill for the reasons later to be explained by the gentleman from Ohio.

But what I would like the other party to explain to me is the strange logic by which, when they do not get the language they want, the Mexico City language on family planning programs abroad, they appropriate the money for family planning, and then, to retaliate for not getting that language, they take their highest priority for the last 3 years, the reform of the international relations bureaucracy, and kill it. They take their desire to leverage lower assessments in New York at the U.N. through very well calibrated conditions on arrearages and destroy it, and then

risk all the consequences of financial instability that come from the currency fluctuations by destroying the IMF new borrowing authority. What a bizarre and strange reaction when they provide and appropriate the family planning funds which cause them to get so angry and strike out after all these things.

I support the gentleman from Wisconsin's motion to recommit, and I urge the body to do so.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], who has provided such leadership for our caucus on this issue.

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition, but first I would like to thank the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from New Jersey [Mr. SHAYS], and the gentleman from Ohio [Mr. SAWYER], for all their help on the Census issue.

And to the rest of my colleagues, if they believe in a fair and accurate Census, they simply cannot vote for this bill. Getting a fair and accurate count is the civil rights issue of the 21st century. If my colleagues are not counted, they are not represented. If they are not counted, they are not part of the Federal funding formulas.

This deal, as many have said, funding is provided for statistical sampling through September of 1998, yet at the same time it stacks the deck against achieving it by helping to build a case for those who plan to kill it in 1999. And the Speaker has vowed to kill the sampling issue in 1999.

This legislation aids this plan by putting into place a campaign to smear it. First the deal allows opponents to file multiple lawsuits to tie the Census up in court. The deal also allows the Speaker, using the House general counsel, to sue on behalf of the House to block sampling. In other words, the Speaker, representing the viewpoint of the RNC, will be using taxpayers' funds to block sampling.

Second, it asks the bureau to run two censuses at once; and, thirdly, it confuses the public by issuing four sets of numbers instead of just one. The opposition simply does not want to count our Nation's poor in our rural and our urban areas.

If this legislation becomes law, we are sending a message that we are willing to purposefully disenfranchise millions of Americans in the name of politics; in other words, we are willing to count them out of democracy. The Republican leadership is on record over and over again in their design to kill sampling. This language gives them the tools for the execution either by a thousand cuts in the courts or through spreading confusion about the results.

We cannot allow this to happen. I urge a no vote against the Commerce-Justice-State conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

□ 2045

Ms. JACKSON-LEE of Texas. Mr. Speaker, what I really wanted to come to this floor tonight for was to show my appreciation for the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for work well done. Though my comments will criticize what we have secured with respect to census, I mean what I say with respect to the work that you gentlemen have done, and I thank you for that.

Particularly I thank you for working with me on the Prairie View A&M Justice Center, and as well working to curb pornography on the Internet for our children, developing a study by the Justice Department to find ways to prevent such horrible activities to be subjected to the Internet and for our children to see.

I need, however, to address this important and crucial issue which we hope we will find a solution for, and I thank the gentleman from Ohio [Mr. SAWYER] and certainly the gentlewoman from New York [Mrs. MALONEY] and the caucuses that worked on this issue.

But this census process will not work. This future litigation by the Speaker of the House will not work, as it proves to threaten sampling. This public relations campaign, using the monitoring board and a new House subcommittee just for census, shows us that this Congress is not serious about counting every American.

I ask my friends and colleagues to consider opposing this bill because of the concerns we have raised. I hope we can solve this problem, and have a true counting and a true census.

Mr. Speaker, I rise this evening to share my concerns regarding the Conference Report on H.R. 2267, the Commerce, Justice, State, and Judiciary Appropriations bill.

The first of these concerns involves the failure of this Conference Report to provide protection to illegal immigrants who are the victims of domestic violence. The Conference Report to H.R. 2267 provides that only those immigrants who have 245(i) applications for permanent legal status pending at the time of the bill's enactment, may stay in the United States. In refusing to permanently extend 245(i) for most immigrants, the Conference Report makes one concession—it provides permanent extension of 245(i) for those immigrants holding employment-based visas. It makes no exception for battered illegal immigrants. In so doing, the Conference Report undermines the strides to protect battered immigrants made in the Violence Against Women Act ("VAWA").

The Violence Against Women Act exempts battered immigrant women and their children from the three to ten year inadmissibility bars that apply to other illegal immigrants. These

provisions were written to provide a way out of violent relationships for battered women and children abused by their U.S. citizen and lawful permanent resident spouses and parents. These provisions were included in VAWA in an effort to free battered immigrants to seek protection for themselves and their children from ongoing abuse and to allow them to co-operate in the criminal prosecution of their abusers.

The vast majority of battered immigrant women who qualify for protection under VAWA are in the United States in undocumented status because their citizen and lawful permanent resident spouses or parents have had control over their immigration status. These spouses also often control what information their abuse victims receive and with whom they associate.

Because the Conference Report does not provide permanent extension of 245(i) to battered immigrants, many of these women will be required to return to their home countries to obtain their green cards. All battered women who apply for relief under VAWA, however, must prove that their deportation will cause extreme hardship to themselves or their children. In requiring those women to return to the very country that INS agrees poses them a danger as the only means to obtain their permanent residency is dangerous and illogical.

Additionally, most battered immigrant women will have difficulty raising the funds to travel abroad to obtain their permanent residency. Many more will be required to travel to countries that cannot or will not protect them from their abusers, from their abuser's family or from the social ostracization that often accompanies women who publicly challenge abuse. Many victims will violate family court custody orders if they travel abroad or leave the jurisdiction where the court order was issued. Finally, many will be unable to make safe child care arrangements for their children if they are required to travel abroad or else they will have to take their children with them. Battered immigrant women should not have to be faced with leaving their children with an abuser or in a situation in which the children cannot be adequately protected from the abuser or possibly being charged with international kidnapping. Faced with these obstacles, many battered immigrants will choose to stay with their abusers.

It is important that both the battered immigrant and her children be able to obtain lawful permanent residency status under VAWA without interruption in the support, counseling, and legal relief they are receiving to help them and their children address the consequences of the violence. For VAWA's immigration provisions to offer victims of domestic violence the intended protection, battered women must be able to obtain their permanent residency without leaving the country regardless of when they file their self-petition.

The second area of concern that I would like to raise with respect to the Conference report on H.R. 2267, is the compromise reached on the census provisions. The revised language in the Conference Report regarding the census states that sampling poses the risk of an inaccurate census which is the very opposite of what is true.

The agreement on the Conference Report also allows the opponents of sampling to file

suit in any and all courts in the country. If any one of those courts issues an injunction against the use of sampling it would take so long to clear up that the use of sampling in any "dress rehearsal" would effectively be blocked. If there is no sampling in the dress rehearsal, there will be no sampling in the census which means that the chance for an accurate census will be lost.

The Conference language regarding the census calls for the Census Bureau to issue several sets of census counts for both the dress rehearsal and the census. This would be confusing to the public and create chaos in the redistricting process. Redistricting experts dislike having multiple numbers so much that two years ago the National Conference of State Legislators passed a resolution calling for a one-number census in 2000.

Next I would like to discuss areas of the Conference Report that I am sure have not drawn the attention of many of my colleagues, but for which I believe the Conferees deserve my congratulations.

I worked with my colleagues during the appropriations process in an effort to find funding in the Commerce-Justice-State Appropriations bill for the establishment of a National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, located outside of Houston, Texas. While we were not successful in getting such funding into the House version of the Commerce-Justice-State bill, the Senate included in its version of this bill, \$500,000 for the establishment of the Prairie View Center. Although I was disappointed that this specific line item did not survive in the Conference report, I am pleased that the Report requires OJJDP to carefully review Prairie View's grant application.

The National Center would fill some very important functions: (1) conducting academic programs, including continuing education and training for professionals in the juvenile justice field; (2) conducting policy research; and (3) developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities.

Across America, violent crime committed by and against juveniles is a national crisis that threatens the safety and security of communities, as well as the future of our children. According to a recently released FBI report on Crime in the United States, in 1995, law enforcement agencies made an estimated 2.7 million arrests of persons under 18.

Studies show that prevention is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corporation, titled *Diverting Children from a Life of Crime, Measuring Costs and Benefits*, is the most recent comprehensive study done in this area. It is clear that juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. The Rand study determined that early intervention programs can prevent as many as 250 crimes per \$1 million spent. In contrast, the report said investing the same amount in prisons would prevent only 60 crimes a year.

Children hurting children on the streets of our nation is costly for the moral fabric of our

society and the burden on our government. Public safety is now becoming one of the most significant factors influencing the cost of state and local governments. We can begin to bring those costs down and make both short term and long term positive differences in the lives of our young people by targeting the prevention of juvenile crime.

In Texas, the Historically Black Colleges and Universities are forging ahead. The Juvenile Justice Center at Prairie View A&M University will be come a state and national resource. It will perform a vital collaborative role by focusing on measures that target the prevention of juvenile violence, crime delinquency and disorder. The University will provide comprehensive teaching, research and public service programs. There is no single answer to this problem, but this Center will be a start to bridging the programs that work for the state of Texas and other states.

I thank the Conferees for their support of this important Center.

Finally, I am gratified that an amendment which I offered before on the floor of the House and agreed to has been included in the Conference Report for Commerce-Justice-State. The language in the conference report states that the Department of Justice should consult with the National Academy of Sciences to review computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through the Internet and on-line services.

Unfortunately, this language does not go far enough; my original amendment would have provided for the identification of methods that would locate illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children. The goal of my amendment was to create a pool of understandings regarding the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

The funding for this amendment would have come from funds otherwise appropriated; therefore revenue neutral to the Department of Justice, which should not exceed \$750,000.

I would like strongly urge the Department of Justice to pay attention to the intent of the Amendment when implementing this section of the conference report.

I would like to also ask that Members of the House join me in support of the original intent of the amendment to help eliminate the growing threat of pornographic images that our children who use the technology must face. This is an opportunity for us to help all of our nation's children have a safer future.

Mr. MOLLOHAN. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, first I want to express my agreement with the gentleman from California on the importance of putting back in here important international financial material. But secondly, I want to congratulate the gentleman from Ohio for his work on the census and say that I plan to vote for this bill.

I try very hard to avoid cliches, but it is much too late in the session to think fresh, so I am going to have to use one. I think some of my good friends here are trying to snatch defeat from the jaws of victory. The problem I and others had with the original census language was that it said we could not go forward with the sampling process until the Supreme Court had said it was okay. That would have killed it. That is not in the bill.

We now have parallel processes. We have the sampling going forward, and we have the court process. I disagree with my friends who say, oh, allowing the court process to go forward kills sampling.

I think sampling is constitutional. I do not think the Supreme Court is going to find it unconstitutional. Indeed, I am sceptical that the Supreme Court, given its own rules on ripeness and standing, will even decide this at all.

So what we have is a situation where previously sampling could not go forward until the Supreme Court acted, and we knew the Supreme Court was not going to be able to act because of its own doctrines, and now we have a situation where it can go forward.

I do not want to argue this too strongly, because I do not want to lose you any votes on this side, but the fact is the obstacle to census sampling that existed previously has been dissolved. Now we have been told, well, there will be a subcommittee that will propagandize.

I have to be honest with you, I hope I am not being unduly modest when I say I do not think most people pay too much attention to our subcommittees. They can dance and sing and whistle, and we can still go ahead with it. Yes, it may have to face a court test, but that is to be done.

In fact, I want to congratulate the Republicans. This is one more example of their belief in judicial activism, and I want to salute the Republican conversion to the notion that when there are important decisions that are to be made, we should ask some unelected, life-tenured Federal judges to arbitrate them for us. I think that is appropriate, as long as the work is not held up until then. So I think we have the best of both worlds.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the chairman of the Subcommittee on National Security, International Affairs and Criminal Justice, the gentleman from Illinois, Mr. HASTERT.

Mr. HASTERT. Mr. Speaker, I thank the chairman. I first want to congratulate him for his hard work, and certainly the gentleman from West Virginia, the gentleman from West Virginia [Mr. MOLLOHAN], who has worked on this diligently as well. I wanted to talk a minute about the census.

There were some accusations, and I probably agree with my good friend

from Massachusetts [Mr. FRANK]. We need to go forward. We need to have transparency in the system, and if there is an issue of whether this is constitutional or not constitutional, we probably ought to let the Supreme Court decide that issue. If there is an issue whether this is statutorily legal to do or not statutorily legal to do, we probably ought to let a court decide that.

But in the meantime, let me just say a couple things about transparency. Yes, there is going to be, first, a commission that looks at numbers, and, you know, it is not terrible to have four numbers, the four numbers in counting when you actually go out and count people and find out what the number is when you get counting and what the number is when you get done adjusting, which there is not an adjustment. So the number in counting, Number 1, will be the same as number 2.

Actually, when you get into sampling, which what you have is that you have a number when you get done, and that number will be X, and then it will be X plus or X minus something else, when you get done sampling. When you do that census block by census block, people ought to be able to see what you do.

Whether you take population away from this precinct and you add population to that precinct, there ought to be a transparency about what this guessing business is all about. When the bureaucrats get done guessing what the population should be, because it meets their parameters of what they guessed it should be in the first place, there is a transparency, we can look at sampling, see if sampling is worthwhile, whether it has some value, whether it is constitutional, whether it is legal, and we will look at enumeration, which the Constitution talks about enumeration, counting, one by one. It has been going on in this country for 230-some years. It was prescribed by the forefathers of this country, and I think it is probably something we ought to continue to take a very serious look at.

I just have to tell my friends there is one government agency that basically goes door to door every day. They basically know how many people are in each house. It is called the Postal Service. If we need to do an extraordinary job of census, then maybe we could hire some people in the Postal Service on weekends on their time off. They can knock on doors. They know who lives in those houses.

Let us do the job that the Constitution says we should do. Let us move forward, let us do the census block, census block by census block, by geographical area by geographical area and put the numbers in there.

The test that was done in 1995 says there was a plus or minus 35 percent

error rate when you get down to the lowest geographical area, which is usually the census block. If there is 100 people that live in a census block, we do not want to guess whether there are 65 people there or 135 people.

Let us get the numbers straight. Let us do it the way it is supposed to be done and pass this bill.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from West Virginia for yielding me this time.

Sampling will clearly be one of the most important issues that we confront in the next session of Congress that is being addressed in this bill. I am going to support this bill, and I, too, congratulate the chairman and the ranking member for accomplishing a very difficult task.

I rise briefly, however, to call the attention to what the Speaker of the House said just a few years ago. I want to read it:

I respectfully request that the census numbers for the State of Georgia be readjusted, that is after counting, I tell my friend, from door to door, to reflect the accurate population of the State so as to include the over 300,000 which were previously not included.

That is in the door-to-door count, according to the Speaker.

Based on available information, without an adjustment to compensate for the undercount, minorities in Georgia could lose two State Senate seats and four to five House seats. As a result of conversations with black legislators, it is my understanding that they have not only concurred with this request, but stated that they believe it is required under the Voting Rights Act.

Representative NEWT GINGRICH sent that to Bob Mosbacher, then Secretary of Commerce, with respect to sampling.

We are not going to argue situational ethics, I hope. If sampling was good then in this letter from Speaker NEWT GINGRICH in 1991 to Secretary Mosbacher, it is good today.

Now, my friends, let me tell you, there was a similar letter, and I will not read it, you can read it for yourself, from the gentleman from Florida [Ms. ROS-LEHTINEN], the gentleman from Mississippi [Mr. PARKER], the gentleman from Virginia [Mr. BATEMAN], the gentleman from South Carolina [Mr. SPENCE], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Florida [Mr. CLAY SHAW], in a letter to Bill Clinton in 1994.

Barbara Bryant, who was the head of the census under George Bush, clearly says, in the long run our Nation is best served by accuracy. Sample surveys to estimate those who will not or cannot be counted in the 2000 census after the Census Bureau has made every reason-

able and good faith effort to voluntarily enumerate will increase the accuracy of the census.

My friends, again, let us not be into situational ethics. Let us not be into which side gains politically. The Speaker thought in 1991 perhaps it served his political interest. But I also believe he said and believed that that was the accurate way to count. Let us not deviate from that for the situational effects that it may have.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS], a very active and effective member of our subcommittee.

Mr. SKAGGS. Mr. Speaker, I want to thank my friend for the time.

I hope the Members of the House will support this conference report. It is basically a very good piece of work. In that regard, I want to thank our distinguished chairman from Kentucky and the gentleman from West Virginia [Mr. MOLLOHAN] and the absolutely tireless work of a terrific staff in putting this all together. It is a good piece of work. Many areas, it is especially commendable to the Members.

One I would like to point to in particular is the substantial funding base that is given to the Department of Commerce and its several important science and research activities under NOAA, the National Institute of Standards and Technology.

There are still some problems. I am particularly distressed at the counterproductive and, I think, very backward-looking restrictions that are included in this bill on the activities of the Legal Services Corporation and its grantees. There is some gratuitous language in here about the census. But make no mistake about that, the bottom line on the census is that it allows the sampling process to move forward, and my colleagues particularly on this side of the aisle that are concerned about that ought to welcome this breakthrough, as was so well explained by previous speakers.

Finally, I hope the Members will support the motion to recommit that Mr. OBEY intends to offer. As Mr. BERMAN earlier explained, I think it is absolutely critical that we make good on at least a modest down payment on our arrearage to the UN, especially at this crisis time when we have to count on our working relationship within that body to deal with the difficult situation in Iraq, as well, as was explained, the need for funding flexibility to the IMF to deal with currency problems.

But the basic point here is a good conference report, worthy of Members' support.

Mr. MOLLOHAN. Mr. Speaker, I yield 1¼ minutes to the distinguished gentleman from California, Mr. BECERRA, who has been extremely active on this issue and a leader of the Hispanic Caucus.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I had a chance to speak during the rule, so I will try to be somewhat brief now on the actual bill.

I think that the ranking member of the subcommittee, the ranking member of the full committee, the Chair of the subcommittee and the Chair of the full committee have done a tremendous job trying to pull together a bill that could get the majority support in this House necessary to pull this together and send it off to the President. I commend them for the work they have done. I think that those four individuals have worked sincerely to try to pull together something that could get the support of all of us.

I must say that I continue to have the greatest of concerns with regard to the work on the census. I see no reason why we could not have sent this directly to the President and said, Mr. President, tell us what the experts say we should do with regard to a count of the citizens and the residents of this country when it comes to the year 2000.

□ 2100

Let us not inject politics into this, and let us go straight with what the experts say would be best to do for this country, because we know in the past we have left many Americans uncounted.

We had an opportunity to do that, but we failed. We failed miserably because the politics got in the way, and this legislation is apparently the best we could expect. The best we could expect says that we will have lawsuit after lawsuit filed to try to stop statistical sampling, even though expert after expert has said that is the only way to get an accurate count of America.

Yet we stand here saying, this is what the President must sign. But in 16 or 17 minutes we will have to revisit this, because we do not have funding for a full dress rehearsal as sampling in the end to take place in the census. That is wrong, and that is why people should vote against this bill.

Mr. ROGERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. REGULA], the chairman of the Appropriations Subcommittee on Interior, but a very able, hard-working member of this subcommittee.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. I want to commend the chairman, the staff and the ranking minority member for doing a good job. I strongly urge support of this bill.

We have heard a lot of speeches about the big picture tonight; I want to talk about the little picture with a big potential.

1998 is the International Year of the Ocean, and we have not paid enough attention to the ocean in terms of its im-

pact on human life. One of the exciting things provided for in here, subsidies, \$1.5 million for the Jason Foundation for Education. What the Jason Foundation will do is translate underwater research into the Internet, which means that school students and adults around the world will be able to interact with these researchers and learn more about our oceans and about what is being produced by the research that is taking place, in large part because it is the Year of the Ocean.

This is an exciting concept. I think we barely scratch the surface. What it means is that when it comes to fruition, that students will be able to interact with people at the National Gallery, at the Smithsonian, at the Kennedy Center, at colleges throughout the United States.

I saw this in action in my district where the Jason Foundation had a biologist at Yosemite talking about terminals, and the students in Wooster, OH could ask questions of this biologist and he could respond. It really worked out well, and it is an exciting concept. It is part of this bill.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, I just want to say very briefly in response to my good friend, the gentleman from California [Mr. BERMAN], we were engaged in a very difficult negotiation with the White House over the last several days, and in the end we gave half a loaf on the Mexico City policy which separates abortion from family planning. We said that foreign nongovernmental organizations would be precluded, those that are subsidized by the U.S. Government, would no longer be able to lobby in foreign capitals to topple their pro-life laws. It seems to me this was a very modest proposal. This was rejected.

The good news for the pro-life said that the Speaker of the House and the majority leader have given their solemn word that the IMF issue and arrearages payments, and those arrearages payments are in dispute, there are all different, conflicting numbers as to what they should be, that those three issues are intertwined and they will move forward together or they will not move forward at all.

We have offered the White House a true compromise; they have rejected it at this point. My hope is that in the spirit of comity, I would hope that we could move to a real compromise on this, and then we could work in partnership on all three of these issues.

Mr. MOLLOHAN. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], who has worked tirelessly on all of our 13 appropriations bill.

Mr. OBEY. Mr. Speaker, I have absolutely no objection to the job done by

the gentleman from Ohio [Mr. SAWYER] or the gentleman from West Virginia [Mr. MOLLOHAN]. I think they have been imminently reasonable. I think they have produced a good product in what is in the bill. I certainly do not have any objections to the job done by the gentleman from Louisiana [Mr. LIVINGSTON]. I think he has done a very fine job. But I have to say my concern is what is not in the bill.

As my colleagues know, an agreement was made by the Republican Party, just referred to by the previous speaker to, for the moment, concede on their views on Mexico City and family planning issues on the fast track bill. In retaliation for that, for that concession, the decision was made to strike the State Department reauthorization language, to strike the currency stabilization fund, and to strike the U.N. arrearage authority.

I believe that is an extremely shortsighted and irresponsible decision, and I believe that decision significantly damages United States interests in two ways: It does not punish Bill Clinton, it punishes the country. It damages us in two ways because, first of all, it weakens our ability to develop consensus within the United Nations in building a proactive foreign policy against Saddam Hussein. It also undercuts the resources necessary to deal with the currency fluctuations and instability which we have seen throughout Asia and Latin America that could very well have incredibly serious effects on our own economy.

Now, the response of the House leadership on this matter I find most troubling. The Speaker sent a letter to the President today which says, "With the challenge of Iraqi defiance against the world community and the importance of the United Nations Security Council in responding to that challenge, the U.S. must continue to play a central role in the U.N." It says, "With the turmoil in international markets, it is clearly prudent for the Secretary of the Treasury to seek additional resources."

And yet, this bill tonight withholds those resources until the President capitulates on a totally unrelated matter.

The letter then goes on to say, "We do not believe that our disagreement over abortion should block action on national security issues." But then my colleagues proceed to block them anyway.

I have infinite respect for the gentleman from New Jersey [Mr. SMITH] and others who share his view on abortion policy; I share some of those same views. But the Constitution defines how one is supposed to win. In order to win on an issue, one needs to have a majority in both Houses or the signature of the President. If one does not have the signature of the President, then one needs two-thirds in both Houses. With all due respect, the only

majority that the gentleman has at this moment is the majority in one House.

Now, what he is trying to do is to exercise leverage in order to expand that majority by holding other proposals hostage. Individual Members have a right to try that, but it is an obligation of leadership to say no when that puts in jeopardy severe and important interests of the United States. It is reckless for the leadership of this House to do otherwise.

Secretary Albright just called me. She was about to step on a plane going to the Middle East to try to build a tighter alliance to deal with Saddam Hussein. She said, "I need those extra resources."

I am going to be offering a motion to recommit, a straight motion to recommit, in order to give this committee an opportunity to put back into this bill the authority that they need for the \$100 million in U.N. arrearages for the first year of the 3-year plan, and to also put into the bill the authority we need for currency stabilization. There is no problem in the Senate with that. The only group that seems to have any real problem with it is the House leadership.

It seems to me that the only way to meet our responsibilities, unless we want to walk out of here for three months and risk seeing a further unraveling of the currency markets and the security markets around the world, unless we want to risk seeing that, it seems to me we have an obligation tonight to provide those resources. That is what I will attempt to do by offering the motion to recommit, and I urge every single Member to support that motion. Without it, Congress will be committing one of the most remarkably irresponsible abdications of responsibility that I have seen in all of the years that I have served in Congress.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding me this time.

I just want to point out that in two separate packages we tried to put together an opportunity to pay the U.N. arrearages, for the IMF funding, for the State Department reauthorization, and yes, coupled with the promise that the President would not continue to use taxpayers' funds to lobby to use abortion as a family planning tool. It was a simple proposal. They did not want that.

So then we offered to put these together with all of the three appropriations bills that have just passed the House in the last two days. The President said he would veto it, the Senate said that they would filibuster it, and the Members of the other side in the minority said they were against it.

Now, look, this place is a place of compromise. Let us not say that we have held anybody hostage. The gentleman from New Jersey was very reasonable. He reduced his demands to simply say that he will not use taxpayers' funds to advocate abortion abroad as a family planning tool. That is not radical. The President refused it, and he refused to go along with this offer.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to congratulate the Chairman and the ranking member for their yeoman's work in crafting this conference report and bringing this legislation to the floor. This bill has a number of important provisions which will advance and promote the national interests. I am going to cite just some of them briefly.

First of all, I want to thank the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee, for his work to fund the programs of the National Institute of Standards and Technology. NIST is the Nation's oldest Federal laboratory, established by Congress in 1901, and its mission is to promote economic growth by working with industry to develop and apply technology, measurements and standards.

NIST currently has the need for repair and replacement of some of the critical laboratories. It has a maintenance backlog of over \$300 million, and in addition, NIST requires new laboratory space. It must construct an advanced measurement laboratory. It is part of the funding appropriated for NIST. This bill includes \$95 million for construction, renovation and maintenance for NIST laboratories. I applaud that.

In addition, it includes money for the core programs at NIST known as Scientific and Technical Research and Services programs, which include very important research conducted in its laboratories. The total is equivalent to the Senate-passed bill, \$6 million below the amount originally authorized by the Committee on Science and appropriated by the House, but I applaud it.

Also, the bill includes \$192.5 million for the advanced technology program; \$113.5 million for the manufacturing extension program; \$150 million for the National Oceanic and Atmospheric Administration, which actually is \$150 million more than what the House had asked for.

Let me comment just briefly on the compromise on 245(i) of the Immigration Act. I think it is very important. I am glad it was done. It should include the opportunity for victims of domestic violence to be accorded that treatment.

Mr. Speaker, I want to congratulate the Chairman and ranking member for their yeoman's work in crafting this conference report and bringing this legislation to the floor. The

conference report on H.R. 2267, the Commerce-Justice-State appropriations bill, contains a number of important provisions which will advance and promote the national interest.

First, I thank Chairman ROGERS for his work to fund the programs of National Institute of Standards and Technology [NIST].

NIST is the Nation's oldest Federal laboratory. It was established by Congress in 1901, as the National Bureau of Standards [NBS], and subsequently renamed NIST. As part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurements, and standards. As the Nation's arbiter of standards, NIST enables our Nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasingly complex technologies require NIST laboratories to maintain the most sophisticated equipment and most talented scientists in the world. NIST's infrastructure, however, is failing and in need of repair and replacement.

NIST currently has a maintenance backlog of over \$300 million. In addition, NIST requires new laboratory space that includes a higher level of environmental control (control of both vibration and air quality) than can be achieved through the retrofitting of any of its existing facilities. In order to meet this pressing need, NIST must construct an Advanced Measurement Laboratory [AML].

As part of the funding appropriated for NIST, H.R. 2267 includes \$95 million for construction, renovation and maintenance for NIST's laboratories. This funding level is slightly below the \$111 million appropriated by the House, but well above the \$16 million recommended by the Senate. The total should be sufficient to begin funding the construction of the AML, while at the same time allowing NIST to address some of its critical maintenance needs.

In addition, H.R. 2267 includes \$276.9 million for NIST core programs, known as the Scientific and Technical Research and Services [STRS] programs, which include the important research conducted by its laboratories. This total is equivalent to the Senate passed bill and \$6 million below the amount originally authorized by the Science Committee and appropriated by the House. While I would have preferred the House funding level, I understand the funding constraints under which the House and Senate Conferees had to operate.

The bill also includes \$192.5 million for the Advanced Technology Program [ATP] and \$113.5 million for the Manufacturing Extension Partnership [MEP] program. This level splits the difference between the House authorization and appropriation levels and the Senate appropriation for ATP. It seems to be a good compromise, and I applaud the House and Senate conferees for coming to an equitable conclusion on ATP and including the higher total for MEP.

I am pleased with the increase in funding for the National Oceanic and Atmosphere Administration—about \$150 million more than the House bill.

I also want to recognize the compromise which was reached on section 245(i) of the immigration act. The expiration of this provision

would have adversely and unfairly affected a number of families and businesses in my district. However, I am sorely disappointed that the conferees did not include the battered women immigrants provisions of the Violence Against Women Act in this compromise. The conferees demonstrated great compassion in extending the provisions of 245i until the beginning of next year; immigrants who are victims of domestic violence should be accorded the same compassionate treatment.

I am also disappointed that we have not yet found a way to repay our arrearages to the United Nations. Especially at a time when we are counting on the U.N. to maintain our position on Iraqi weapons inspections, continued delay of our debt repayment is, to say the least, embarrassing.

I want to congratulate the conferees for the funding levels which were agreed to on the Legal Services Corporation. This funding is critical to assisting vulnerable people in our society. Women and children are among the vulnerable who without assistance often find themselves in abusive situations that they cannot control. The impact of these situations is significant and may result in homelessness and the loss of necessary financial resources for food, maintenance, and health care. In addition, LSC has been invaluable in allowing impoverished people to access the judicial system in support of their just claims. Much of their caseload, and almost half of the caseload in Maryland, deals with such issues as divorce, child custody, and domestic violence.

As with many eleventh hour compromises, this bill's Census provisions aren't perfect, but they have significantly improved thanks to the diligent work of many of my colleagues and the Administration.

While I am concerned that this compromise delays the decision of whether to use sampling in Census 2000 until 1999, I am pleased that, unlike the original bill, it does not significantly hinder the Bureau's critical work in preparation for Census 2000.

The failure of the 1990 Census, the GAO report on sampling, and the National Academy of Science's support of sampling should be more than enough evidence that we need to use sampling to get the most accurate count possible in 2000, but a majority of my colleagues are not convinced. This decision allows for expedited court review of the constitutionality of sampling and it sets up a balanced monitoring board to carefully review the Census Bureau's plans.

This compromise allows the Census Bureau to test sampling in one of the three Spring dress rehearsal sites, the urban site in Sacramento, CA. Furthermore, this decision will not hinder the necessary preparation of the Long Form, the only reliable source of national data about who we are as a nation.

Finally, the agreement includes a \$74 million increase for Violence Against Women Grants. While this bill's funding is \$35 million less than the House bill, it is still \$22 million more than the administration request and \$7 million more than the Senate level of funding. This program provides funding to law enforcement agencies to encourage arrests in domestic violence cases and to train local prosecutors in the handling of crimes of domestic violence.

Again, I congratulate the Chairman and the ranking member for their work on this very contentious bill.

Mr. ROGERS. Mr. Speaker, I yield one-half minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to support this bipartisan legislation, and I thank the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee, and the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member, for the outstanding job they have done, especially with regard to the legislation and its development of National Sex Offender Registries, the Violence Against Women's programs, Missing and Exploited Children's programs, and the State and local law enforcement programs such as the COPS on the Beat initiative. I know, as a former assistant DA, these programs will help our local communities improve our local public safety.

I ask my colleagues to please support the legislation.

Mr. MOLLOHAN. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Ohio [Mr. SAWYER] who has provided such leadership for our caucus on this issue.

□ 2115

Mr. SAWYER. Mr. Speaker, I rise in support of the conference report before us and intend to vote for it, not because I am so terribly satisfied with all of its provisions concerning preparations for the next Census, but because I believe it preserves the opportunity to continue down a path that will lead toward the most accurate and fair Census possible in 2000.

There are provisions of the agreement over the Census funding and design that I do not agree with. I wish they were not in this bill. I do not believe that the use of sampling and statistical methods, however, poses the risk of an inaccurate and unconstitutional Census. To the contrary, those methods, in combination with enhanced traditional accounting, hold the only real hope of overcoming the persistent high undercount of rural and urban poor and people of color and children that continues to plague every Census, and every court that has reviewed the question of whether sampling to supplement a good-faith traditional accounting effort is constitutional and legal has concluded that it is.

I do not think it is wise to ask taxpayers to foot the bill for a lawsuit by the Speaker of the House in an effort to prevent the use of sampling in the Census. In essence, the Speaker is asking taxpayers to help him ensure that millions of people will not be included in 2000. Shame on the Speaker, who supported the use of sampling in 1990, for insisting on this provision. Fortunately, I have every confidence that a

lawsuit will not be successful, but it will be a waste of taxpayers' dollars, nonetheless.

The fact is that there is no realistic chance for an injunction to stop the dress rehearsal or the Census. Anyone challenging sampling would have to show an irreparable injury from the dress rehearsal going forward. There simply is no injury caused by a rehearsal. As with any litigation, suits can be brought in a number of courts. However, the bill allows for consolidation and requires expedited judicial review by the Supreme Court.

What the agreement does that is most important, however, is that it allows the Bureau to prepare for the kind of Census that it believes will be most accurate and cost effective. The Bureau will be able to carry out and evaluate a Census that uses sampling methods in the 1998 dress rehearsal.

I am confident that the dress rehearsal will demonstrate that the limited use of sampling and statistical techniques to supplement and improve direct counting methods will produce Census numbers that are far more accurate and inclusive at all levels of geography than a Census that relies only on methods that have not worked well in the past.

When that happens, my colleagues who oppose sampling ought to think twice about forcing an inaccurate Census on the American people through legislative fiat once again, as they tried to do on the disaster relief bill earlier this year. They ought to think twice about preventing the Census Bureau from eliminating the inevitable undercount of the poor and minorities through threats to deprive the Bureau of adequate funding 1 year before this historic undertaking begins.

All of us will be watching their oversight activities during the next year very closely. We will be using every opportunity to reach out to the American people, to build their confidence in the Census Bureau's work, and for the promise that it holds for a fair count. I urge the President to do the same. We will do whatever it takes to ensure that we can freely and objectively proceed to demonstrate that the use of sampling is wise and sound and, above all, necessary to achieving an accurate count in 2000.

If there is unwarranted interference with the process of preparing and implementing for the best Census possible, the American people will know it and this administration will fight back, because in the end, any effort to cause an incomplete count in some communities will guarantee an inaccurate count in all communities. Every State, county, city, and neighborhood will suffer.

So I urge my colleagues to refrain from causing the kind of chaos and confusion and misunderstanding about the Census process that some provisions in this bill may be designed to

foster. If that is the purpose, then they ultimately will end up hurting the very people we claim to serve.

Mr. Speaker, I recognize the work of the gentleman from Kentucky [Mr. ROGERS] in crafting the bill, and the work of the gentleman from West Virginia [Mr. MOLLOHAN] in making sure it is sound.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, will the gentleman be voting for the bill?

Mr. SAWYER. Indeed I will, Mr. Speaker.

Mr. ROGERS. I thank the gentleman very much.

Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Kentucky [Mr. ROGERS] is recognized for 3 minutes.

Mr. ROGERS. Mr. Speaker, on the point of the United Nations payments, let us clear this up. The bill has in it \$100 million to pay our arrearage at the United Nations. That is an amount that we owe. However, that is subject to passage of an authorization law by the Congress. Of course, that law has not yet been passed, but we have plenty of time early next year to do that, in which case the \$100 million will be freed up to pay on the arrearage at the United Nations.

But there is a much bigger issue than that. If Members are concerned that at this time especially, we need to be supportive of the United Nations, then Members need to vote for this bill because in this bill are the funds to pay our annual assessment at the United Nations, which is \$320 million. That is in this bill. If Members vote no, they are harming the United Nations at a very critical time.

This \$320 million, if this bill does not pass, will not be paid by the United States. So if Members are worried about our standing at the United Nations, if they are worried about us not paying our bills at a time of international crisis, then imagine what the effect will be if this conference report is defeated.

If Members are worried about Iraq and whether the United Nations can stand up for our interests, Members need to vote for this bill, because it contains the funding to pay our dues in 1998 in full. That \$320 million is at stake. That is one reason why Members need to support this bill.

In closing, Mr. Speaker, there is going to be a motion to recommit. If Members vote for the motion to recommit, we will be here at least next week, because the other body is not in session. We have to reconvene this bill. I do not know when we will get to it. So if Members are worried about the schedule, then they need to vote no on

the motion to recommit and yes on final passage.

Mr. GEPHARDT. Mr. Speaker, I reluctantly rise today to oppose the Commerce, Justice, State and the Judiciary Appropriations bill for FY 1998 which I believe poses a serious danger to the use of statistical sampling in the 2000 Census. By insisting on the language included in this legislation, Republicans continue in their opposition to sampling which has been universally accepted by the scientific community as the best way to ensure a fair and accurate census in 2000.

The census language in this legislation is problematic in several important ways. First, the bill states that the use of statistical sampling "poses the risk of an inaccurate, invalid and unconstitutional census." This partisan language wrongly presumes the unconstitutionality of sampling when every federal court that has addressed the issue has held that the Constitution and federal statutes support the use of sampling. Second, the bill sets the stage for a legal assault on sampling by allowing opponents to file suit in federal courts across the country and seek injunctive relief that would halt the use of sampling in preparation for the 2000 Census. Third, this language gives unprecedented power to the Speaker of the House to sue on behalf of the House to block sampling and to use the resources of the House Counsel or outside counsel to pursue such litigation. While the Speaker is entitled to express his views on sampling whenever and whenever he chooses—as he has done frequently in voicing his strong opposition to sampling—I cannot support giving him my proxy or that of other Members of the House who share my belief that he is dead wrong on this issue.

Sampling is not an exotic or controversial theory. It is a scientific principle endorsed by the American Statistical Association, the General Accounting Office, and the National Academy of Science. And, it is non-partisan. In fact, the Republican-appointed director of the last census, Barbara E. Bryant.

Why do we need sampling to conduct an accurate census? The answer is simply that our history of conducting the decennial census clearly illustrates that the traditional method of enumeration, relying on a door to door count for each and every person in this country, is neither the most efficient nor the most cost-effective way to conduct the census. In fact, in 1990, the Census Bureau reported an undercount of 4 million people using the traditional method of enumeration or 1.6% of the total population. The Census Bureau estimates that nearly 5 million people will go uncounted if sampling is not implemented in the 2000 census.

The Republican leadership has a singular purpose for the 2000 Census and that is to make every effort possible to block the use of sampling. Unfortunately, I believe the language in this bill is representative of that purpose; therefore, I must oppose this bill.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today in opposition to the Census language in the Commerce, Justice, State Appropriations bill because all Americans must be counted in this nation's census.

Republican attempts to make sure that the 2000 census does not represent all Americans

flies in the face of democracy. We now have the opportunity to accurately collect data from all sectors of society through the methodology of sampling. If we accept the language in this bill, we will direct the Census Bureau to separate planning and implementation activities for these "dress rehearsal" sites when the Census Bureau can barely support one—that is a set up for failure. If we accept this language, we will create an entire new subcommittee exclusively on the census issue—this not only wastes taxpayers' money on a method which all national organizations in the field of statistical analysis agree is the most accurate tool for determining the census, but also runs contrary to what the Republicans boast as one of their greatest accomplishments of the 104th Congress, eliminating subcommittees. Finally, if we accept this language, we will permit opponents of sampling to file suits in any court in the country, and they will file suits until they find a court to issue an injunction against the use of sampling. Such an injunction could be the death knell for sampling and with no sampling in the "dress rehearsal", there can be no sampling in the census and no way to avoid the inaccuracies of the 1990 census.

In 1990, four million Americans were not counted and several million were counted twice. Between 1940 and 1980 the net undercount of all Americans and legal immigrants decreased from 5.4 to 1.2 percent. However, the difference between black and non-black undercount increased from 3.4 percent in 1940 to 4.3 percent in 1970. In 1980, this undercount improved slightly to 3.7 percent, but this is still a significant miscalculation of the actual number and kind of people who make up this country. In 1990, the difference between Black and non-Black census undercount was the largest differential in the entire history of the census.

As a representative of California's 37th Congressional District, I am particularly concerned about the disproportionately high number of the California residents who were not included in the 1990 census. In 1990, 800,000 people were undercounted in California alone. The entire state represented 20% of the 1990 undercount. Because of these errors, my state was denied a Congressional seat that rightfully belonged to Californians.

My constituents deserve to be included and counted in the 2000 census and in all future census counts.

The census not only determines how the seats of the House are apportioned among the states, but is a significant force in shaping private and public sectors across the country. The census is used to allocate hundreds of billions of dollars to state and local governments. It is used to enforce the Voting Rights Act. It is used by businesses to locate specific work force populations. It is used to determine the kinds of services to provide to certain demographic areas. It is used to allocate resources for the construction of highways and the maintenance of adequate water supplies for communities.

This census is too important for it to not be accurate. Leading experts, including the National Academy of Sciences, have clearly stated the need for statistical sampling. Scientists admit that it is impossible to physically count every American citizen and legal immigrant in

this nation. But it is not impossible to produce an accurate assessment of the American population.

The Census Bureau has made and continues to make tremendous strides in trying to accurately calculate census tracts throughout the country. With all of these improvements in distribution, collecting and analyzing the census surveys and the use of statistical sampling, the 2000 count could be the most accurate census yet. It could include all of the constituents of the 37th Congressional District, of the state of California, and of the entire nation. But if we let the current language remain in the Commerce, Justice, State bill, we will make the realization of this possibility impossible.

It is illogical, unscientific and wrong to endorse a proposal that we know would produce incomplete information about the people who make up this nation. We do not have the right to waste taxpayers' money on an old methodology that we know is not accurate. And we do not have the right to tie up a scientific methodology that is proven effective in the hands of adversarial politicians.

Mr. COBLE. Mr. Speaker, regrettably, I must rise in opposition to this Conference Report, because I fear that the provisions pertaining to the availability of funds to the United States Patent and Trademark Office set a terrible precedent and could have the effect of stifling long-term innovation in this country.

The House version of the Commerce-Justice-State appropriations bill included a provision, contained in every appropriations bill to date, which allows the U.S. Patent and Trademark Office, which does not receive any taxpayer funding, to spend all that it collects from its base user fees for its operations by stating that such funds "shall remain available until expended."

Unfortunately, the Senate version of the bill, for the first time since the PTO became self-sufficient, capped the amount of its user fees that the PTO may spend, diverting the rest to the general treasury to be used for other purposes.

I appreciate the efforts of the Chairman of the House CJS Appropriations Subcommittee, the gentleman from Kentucky [Mr. ROGERS], in trying to reconcile the differences between the House and the Senate versions of the bill. I know he did the best he could to keep the House version. However, a "cap" on the fees still exists in the compromise bill and I am dismayed to see, for the first time in history, that the PTO will not be able to spend appropriately all of its base fees which are set by the Congress.

We should not sanction a new tax on American innovation by holding back funds which come directly from the pockets of applicants for PTO services. In my opinion, all these fees are necessary for the efficient operation of our Patent and Trademark Office. Remember, not one tax dollar goes to the PTO. All the money they spend comes from applicants and should be available for processing applications quickly and efficiently.

Any other result will stifle the engine of our growing economy in the information age.

I therefore will regrettably vote "no" on this Conference Report. We must stand up for inventors and trademark applicants in America.

Mr. BARR of Georgia. Mr. Speaker, for nearly three years almost since the day the Communications Assistance for Law Enforcement Act of 1994 or CALEA was enacted, its journey has been problematic. CALEA is now more than three years old and is expected to be fully implemented on October 25, 1998. It now appears that this may not be the case. Conflicts between the FBI and the telecommunications industry over capability standards, capacity notices, and cost reimbursements, have become commonplace and serious. I have become very concerned that delays in putting standards in place have created major handicaps in fulfilling the Act. I have also concluded that law enforcement has been using CALEA to overreach, and that the FBI is looking to use CALEA for the perfect solution to their wiretapping wishes. Indeed, many of the so-called "punch-list" items clearly are beyond the scope of the Act.

These and other critical matters were raised during an October 23d oversight hearing on CALEA held by the Crime Subcommittee of the Judiciary Committee. Chairman McCOLLUM and our colleagues both sides of the aisle expressed the need for adjustments to ensure the workability of CALEA within the parameters of the Act.

As we attempt to bring this matter to a head, four issues must be dealt with as major areas of contention between industry and law enforcement: cost reimbursements, capability standards (through which the FBI has been seeking to use imposition of these standards to expand the government's wiretap capabilities; which is prohibited by CALEA's provisions), capacity notices, and compliance dates. They must all be resolved in order to put CALEA back on track.

Finally, a plan must be developed in which the government will pay to retrofit network facilities with no more than the \$500 million available in the Act without shifting additional costs to industry. If we are successful, we will achieve the balance we seek between law enforcement security needs and protection of privacy concerns of individuals and industry.

Mr. ROGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report on H.R. 2267 to the committee on conference.

The SPEAKER pro tempore. The motion to recommit is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 171, nays 216, not voting 45, as follows:

[Roll No. 639]

YEAS—171

Abercrombie	Gordon	Obey
Allen	Gutierrez	Oliver
Andrews	Hall (OH)	Owens
Baldacci	Hall (TX)	Pallone
Barcia	Hamilton	Pascrell
Barrett (WI)	Harman	Pastor
Becerra	Hastings (FL)	Payne
Bentsen	Hefner	Pelosi
Berman	Hilliard	Peterson (MN)
Berry	Hinchey	Pomeroy
Bishop	Hinojosa	Price (NC)
Bonior	Hookey	Rangel
Borski	Hoyer	Reyes
Boswell	Jackson (IL)	Rivers
Boyd	Jackson-Lee	Rodriguez
Brown (CA)	(TX)	Rothman
Brown (FL)	Jefferson	Roukema
Brown (OH)	Johnson (WI)	Roybal-Allard
Cardin	Johnson, E. B.	Rush
Carson	Kaptur	Sabo
Clay	Kennedy (MA)	Sanchez
Clayton	Kennedy (RI)	Sanders
Clement	Kennelly	Sandlin
Clyburn	Kildee	Sawyer
Coble	Kilpatrick	Schumer
Condit	Kind (WI)	Scott
Conyers	Klecza	Serrano
Coyne	Lampson	Sherman
Cramer	Lantos	Slisisky
Cummings	Leach	Skaggs
Danner	Levin	Skelton
Davis (FL)	Lewis (GA)	Slaughter
Davis (IL)	Lofgren	Smith, Adam
DeFazio	Lowey	Snyder
DeGette	Luther	Spratt
Delahunt	Maloney (CT)	Stabenow
DeLauro	Maloney (NY)	Stenholm
Dellums	Manton	Stokes
Deutsch	Markey	Strickland
Dicks	Martinez	Stupak
Dingell	Matsui	Tanner
Dixon	McCarthy (MO)	Tauscher
Dooley	McCarthy (NY)	Thompson
Edwards	McDermott	Thurman
Engel	McGovern	Tierney
Eshoo	McHale	Torres
Etheridge	McNulty	Towns
Evans	Meehan	Turner
Farr	Meek	Velázquez
Fattah	Menendez	Vento
Fazio	Millender-	Visclosky
Filner	McDonald	Waters
Ford	Minge	Watt (NC)
Frank (MA)	Mink	Weygand
Frost	Moakley	Wise
Furse	Moran (VA)	Woolsey
Gejdenson	Nadler	Wynn
Gephardt	Oberstar	

NAYS—216

Aderholt	Bliley	Camp
Archer	Blunt	Campbell
Armey	Boehert	Canady
Bachus	Boehner	Cannon
Ballenger	Bonilla	Castle
Barr	Bono	Chabot
Barrett (NE)	Brady	Chambliss
Bartlett	Bryant	Chenoweth
Barton	Bunning	Christensen
Bass	Burr	Coburn
Bateman	Burton	Collins
Bereuter	Buyer	Cook
Bilbray	Callahan	Cooksey
Billakis	Calvert	Costello

Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gillman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis

NOT VOTING—45

Ackerman
Baesler
Baker
Blagojevich
Blumenauer
Boucher
Combest
Cubin
Dickey
Doggett
Ehlers
Ewing
Flake
Fowler
Gonzalez

□ 2141

Messrs. SNOWBARGER, GUTKNECHT, HOLDEN, KLINK, and KANJORSKI changed their vote from "yea" to "nay."

Messrs. FORD, OWENS, BARCIA, SCHUMER and Mrs. MCCARTHY of New York changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 282, nays 110, not voting 40, as follows:

[Roll No. 640]

YEAS—282

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bishop
Snowbarger
Solomon
Soudner
Spence
Stearns
Stump
Sununu
Talant
Taubin
Taylor (MS)
Thomas
Thornberry
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Carson
Castle
Chambliss
Clement
Collins
Condit
Cook
Cooksey
Costello
Cramer
Cunningham
Danner
Davis (FL)
Davis (VA)
Delahunt
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fox
Frank (MA)
Frank (NJ)
Frelinghuysen

Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Turner
Upton

Vento
Visclosky
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Weygand

Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—110

Barr
Bartlett
Becerra
Blunt
Bonior
Brown (FL)
Brown (OH)
Bryant
Campbell
Chabot
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Conyers
Cox
Coyle
Crane
Crapo
Cummings
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
Dellums
Doolittle
Duncan
Engel
Ensign
Fattah
Filner
Ford
Frost
Furse

NOT VOTING—40

Ackerman
Baesler
Baker
Blagojevich
Blumenauer
Boucher
Combest
Cubin
Dickey
Ehlers
Ewing
Flake
Fowler
Gonzalez

Green
Houghton
King (NY)
LaFalce
Lipinski
McInnis
McIntosh
Miller (CA)
Myrick
Neal
Nussle
Ortiz
Pickett
Pryce (OH)

□ 2210

The clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Mr. Roemer against.

Mr. Riley for, with Mr. Yates against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the

United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

S. 1565. An act to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

S. Con. Res. 69. Concurrent resolution to correct the enrollment of the bill S. 830.

S. Con. Res. 70. Concurrent resolution to correct a technical error in the enrollment of the bill S. 1026.

FURTHER CONTINUING APPROPRIATIONS, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J.Res. 106) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I would ask the gentleman from Louisiana if he would explain what the effect of this new continuing resolution is.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would be happy to explain.

The continuing resolution offers a 12-day continuing resolution so that the President may act on the bills that have been passed. In the meantime, I am happy to announce that we have concluded all action on the fiscal year 1998 appropriations bills, and this is the first time in 3 years that we will present to the President 13 individual appropriations bills, and I might add that they are all within the congressional budget.

The continuing resolution again represents a 10-day extension, but 12 when we consider Sundays, of the existing CR for those remaining bills so that they can be enrolled by a clerk and presented to the President. Ten days is the time span specified by the Constitution, and although I have every indication that the President will sign the bills that are on his desk, we should pass the simple extension out of comity.

I urge the adoption of the resolution.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply say that with respect to some of the priorities in the bills that we passed, I am reminded of the question asked by Peggy Lee, "Is that all there is?" But, nonetheless, I guess at this point we cannot do anything to change those priorities. This simply extends the date, as I understand it, to the 26th

of November, and we have no objection on this side of the aisle.

Mr. LIVINGSTON. Mr. Speaker, will gentleman yield for a question?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Is that Peggy Lee or Pinky Lee?

Mr. OBEY. Peggy. Pinky is more the gentleman's type.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 106

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 14, 1997" and inserting in lieu thereof "November 26, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 26, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

□ 2215

ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 3042) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. PASTOR. Mr. Speaker, reserving the right to object, we have cleared this bipartisan bill through our side of the aisle. I would like to thank the gentleman from Alaska, Chairman YOUNG, the gentleman from California, Mr. MILLER, and my colleague, the gentleman from Arizona, Mr. KOLBE, for helping us with this legislation.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I would also like to thank the chairman of the Committee on Resources, the gen-

tleman from Alaska [Mr. YOUNG] for his cooperation on this. This fulfills a commitment that this body made several years ago when we created the Udall Foundation, to provide for them an authorization for them to do mediation on environmental disputes between Federal agencies and other Federal agencies, State or local agencies, as well as private businesses.

Mr. Speaker, I think this is a step in the right direction to get litigation out of the courtroom and into mediation. I think it can serve us very well in our goals of trying to protect the environment, and also provide for economic growth in this country. I strongly support this.

Mr. PASTOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Policy and Conflict Resolution Act of 1997".

SEC. 2. DEFINITIONS.

Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (9), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following:

"(4) the term 'environmental dispute' means a dispute or conflict relating to the environment, public lands, or natural resources;"

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

"(6) the term 'Institute' means the United States Institute for Environmental Conflict Resolution established pursuant to section 7(a)(1)(D);"

(4) in paragraph (7) (as redesignated by paragraph (1)), by striking "and" at the end;

(5) in paragraph (8) (as redesignated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(6) in paragraph (9) (as redesignated by paragraph (1))

(A) by striking "fund" and inserting "Trust Fund"; and

(B) by striking the semicolon at the end and inserting a period.

SEC. 3. BOARD OF TRUSTEES.

Section 5(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5603(b)) is amended—

(1) in the matter preceding paragraph (1) of the second sentence, by striking "twelve" and inserting "thirteen"; and

(2) by adding at the end the following:

"(7) the chairperson of the President's Council on Environmental Quality, who shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson."

SEC. 4. PURPOSE.

Section 6 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

(1) in paragraph (4), by striking "an Environmental Conflict Resolution" and inserting "Environmental Conflict Resolution and Training";

(2) in paragraph (6), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(8) establish as part of the Foundation the United States Institute for Environmental Conflict Resolution to assist the Federal Government in implementing section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) by providing assessment, mediation, and other related services to resolve environmental disputes involving agencies and instrumentalities of the United States; and

"(9) complement the direction established by the President in Executive Order 12988 (61 Fed. Reg. 4729; relating to civil justice reform)."

SEC. 5. AUTHORITY.

Section 7(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(D) INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—

"(I) IN GENERAL.—The Foundation shall—

"(1) establish the United States Institute for Environmental Conflict Resolution as part of the Foundation; and

"(II) identify and conduct such programs, activities, and services as the Foundation determines appropriate to permit the Foundation to provide assessment, mediation, training, and other related services to resolve environmental disputes.

"(II) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, training, and other related services under clause (1) (II) to resolve environmental disputes, the Foundation shall consider, to the maximum extent practicable, conflict resolution providers within the geographic proximity of the conflict."; and

(2) in paragraph (7), by inserting "and Training" after "Conflict Resolution".

SEC. 6. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 12 and 13 of that Act, respectively.

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by subsection (a)) is amended by inserting after section 9 the following:

"SEC. 10. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Foundation. The fund shall consist of amounts appropriated to the Fund under section 13(b) and amounts paid into the Fund under section 11.

"(b) EXPENDITURES.—The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the Institute, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary.

"(c) DISTINCTION FROM TRUST FUND.—The Fund shall be maintained separately from the Trust Fund established under section 8.

"(d) INVESTMENT OF AMOUNTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

"(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

"(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

"(A) on original issue at the issue price; or

"(B) by purchase of outstanding obligations at the market price.

"(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund."

SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by section 6) is amended by inserting after section 10 the following:

"SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

"(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, medication, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

"(b) PAYMENT.—

"(1) IN GENERAL.—A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

"(2) PAYMENT INTO ENVIRONMENTAL DISPUTE RESOLUTION FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

"(c) NOTIFICATION AND CONCURRENCE.—

"(1) NOTIFICATION.—An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a).

"(2) NOTIFICATION DESCRIPTIONS.—In a matter involving 2 or more agencies or instrumentalities of the Federal Government, notification under paragraph (1) shall include a written description of—

"(A) the issues and parties involved;

"(B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues;

"(C) all Federal agencies or instrumentalities with a direct interest or involvement in the matter and a statement that all Federal agencies or instrumentalities agree to dispute resolution; and

"(D) other relevant information.

"(3) CONCURRENCE.—

"(A) IN GENERAL.—In a matter that involves 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), the agencies or instrumentalities of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Insti-

tute to provide the services described in subsection (a).

"(B) INDICATION OF CONCURRENCE OR NONCONCURRENCE.—The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice under paragraph (2).

"(d) EXCEPTIONS.—

"(1) LEGAL ISSUES AND ENFORCEMENT.—

"(A) IN GENERAL.—A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) that concern purely legal issues or matters, interpretation or determination of law, or enforcement of law by 1 agency against another agency shall not be submitted to the Foundation or Institute.

"(B) APPLICABILITY.—Subparagraph (A) does not apply to a dispute or conflict concerning—

"(i) agency implementation of a program or project;

"(ii) a matter involving 2 or more agencies with parallel authority requiring facilitation and coordination of the various government agencies; or

"(iii) a nonlegal policy or decisionmaking matter that involves 2 or more agencies that are jointly operating a project.

"(2) OTHER MANDATED MECHANISMS OR AVENUES.—A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) for which Congress by law has mandated another dispute resolution mechanism or avenue to address or resolve shall not be submitted to the Foundation or Institute."

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (as redesignated by section 6(a)) is amended—

"(1) by striking "There are authorized to be appropriated to the Fund" and inserting the following:

"(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund"; and

(2) by adding at the end the following:

"(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

"(1) \$4,250,000, for fiscal year 1998, of which—

"(A) \$3,000,000 shall be for capitalization; and

"(B) \$1,250,000 shall be for operation costs; and

"(2) \$1,250,000 for each of fiscal years 1999 through 2002 for operation costs."

SEC. 9. CONFORMING AMENDMENTS.

(a) The second sentence of section 8(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5606) is amended—

(1) by striking "fund" and inserting "Trust Fund"; and

(2) by striking "section 11" and inserting "section 13(a)".

(b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each amended by striking "Fund" and inserting "Trust Fund" each place it appears.

The bill was ordered to be engrossed and read a third time, was read the

third time, and passed, and a motion to reconsider was laid on the table.

**REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H. CON. RES.
187 AND H.R. 2697**

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H. Con. Res. 187 and H.R. 2697.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

**REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 2497**

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2497.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

**REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 3000**

Mr. RUSH. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 3000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

**CONSIDERING MEMBER AS FIRST
SPONSOR H. CON. RES. 47**

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent I might hereafter be considered as first sponsor of House Concurrent Resolution 47, a bill originally represented by the gentleman from Pennsylvania [Mr. FOGLIETTA] of Pennsylvania, for the purpose of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

**DISAPPROVING CANCELLATIONS
TRANSMITTED BY PRESIDENT
ON OCTOBER 6, 1997—VETO MES-
SAGE FROM THE PRESIDENT OF
THE UNITED STATES (H. DOC.
NO. 105-172)**

The Speaker pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2631, "An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45."

Under the authority of the Line Item Veto Act, on October 6, 1997, I canceled 38 military construction projects to save the taxpayers \$287 million. The bill would restore all of the 38 projects.

The projects in this bill would not substantially improve the quality of life of military service members and their families, and most of them would not likely use funds for construction in FY 1998. While the bill does restore funding for projects that were canceled based on outdated information provided by the Department of Defense, I do not endorse restoration of all 38 projects.

The Administration remains committed to working with the Congress to restore funding for those projects that were canceled as a result of data provided by the Department of Defense that was out of date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, November 13, 1997.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the message, together with the accompanying bill, be referred to the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

**HOLOCAUST VICTIMS REDRESS
ACT**

(Mr. LEACH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEACH. Mr. Speaker, the bill would authorize up to \$25 million as a U.S. contribution to organizations serving survivors of the Holocaust living in the United States and an additional \$5 million for archival research by the U.S. Holocaust Museum to assist in the restitution of assets looted or extorted from Holocaust victims. It would also declare that it is the sense of Congress that all governments take appropriate action to ensure that artworks confiscated by the Nazis—or in the aftermath of World War II by the Soviets—be returned to their original owners or their heirs.

The genesis for this proposal dates back to hearings which the Committee on Banking and Financial Services held over the past year, chronicling how the Nazis looted gold from the central banks of Europe, as well as from individual Holocaust victims.

Following World War II, the Tripartite Gold Commission, consisting of the United States, the United Kingdom and France, was created to oversee the recovery and return of Nazi-looted gold to the countries from which it was stolen. Most of the gold recovered during that period was long ago returned to claimant countries. However, a small portion of that gold remains to be distributed. The amount of gold in TGC custody, amount to six metric

tons, is worth anywhere from \$50 million to \$70 million depending on the price of gold at a given time. Fifteen nations hold claim to some portion of that gold.

The case for speedy final distribution of the remaining gold pool to Holocaust survivors is compelling. The moral case for such a distribution has been increased by the horrific revelation in the recently released report from Under-Secretary of State Stuart Eizenstat that Nazi Germany co-mingled victim gold, taken from the personal property of Holocaust victims, including their dental fillings, with monetary gold, resmelting it into gold bars which the Nazis traded for hard currency to finance the war effort.

This bill would put the Congress on record in strong support of the State Department's appeal to claimant nations to contribute their TGC gold to Holocaust survivors and strengthen the Department's hand in seeking this goal by authorizing the President to commit the United States to a voluntary donation of up to \$25 million for this purpose. A voluntary contribution on our part would go a long way in facilitating a similar gesture of generosity from others who may be claimants of the gold pool or who may have reason to provide redress for actions taken during the dark night of the human soul we call the Holocaust.

A contribution of this nature by the United States would also serve as an act of conscience on the part of this nation. As the bill indicates in the findings, there was an unknown quantity of heirless assets of Holocaust victims in the United States after World War II. A 1941 census of foreign assets in the United States identified \$198 million in German-owned assets in the United States as well as another \$1.2 billion in Swiss assets. Assets inventoried in the census included bank accounts, securities, trusts, and other items. In the years following World War II, Congress recognized that some of these assets held in the United States may have in fact belonged to Jewish victims of the Holocaust who had sent their assets abroad for safekeeping.

Given this circumstance, Congress authorized up to \$3 million in claims for such heirless assets to be awarded to a successor organization to provide relief and rehabilitation for needy survivors. However, the political difficulties associated with such a commitment led Congress ultimately to settle on a \$500,000 contribution. Although the documentary record on asset ownership remains sparse, it is likely that heirless assets in the U.S. were worth much more than the 1962 settlement figure.

A precise accounting of claims will remain unknowable, but the fact that the United States committed itself to such a modest amount in settlement for victim claims provides justification for the United States to make an inflation-adjusted contribution today for victim funds mingled with Nazi assets located in and seized by the United States during the war.

In testimony before our Committee, Under Secretary Eizenstat urged that a better accounting be made for the fate of heirless assets in banks in the United States, and that the issue of World War II-era insurance policies, securities and art work also be examined. To help answer these questions, the legislation would direct \$5 million to the United

States Holocaust Museum for archival research to assist in the restitution of assets of all types looted or extorted from Holocaust victims, and activities that would support Holocaust remembrance and education activities.

The second title of the bill deals with Nazi-looted art. A witness at our hearings noted that, 'The twelve years of the Nazi era mark the greatest displacement of art in history.' Under international legal principles dating back to the Hague Convention of 1907, pillaging during war is forbidden as is the seizure of works of art. In defiance of international standards, the Nazis looted valuable works of art from their own citizens and institutions as well as from people and institutions in France and Holland and other occupied countries. This grand theft of art helped the Nazis finance their war. Avarice served as an incentive to genocide with the ultimate in governmental censorship being reflected in the Aryan supremacist notion that certain modern art was degenerate and thus disposable.

The Nazis purged state museums of impressionist, abstract, expressionist, and religious art as well as art they deemed to be politically or racially incorrect. Private Jewish art collections in Germany and Nazi-occupied countries are confiscated while others were extorted from their owners. Still others were exchanged by their owners for exit permits to flee the country. As the Nazis sold works of art for hard currency to finance the war, many artworks disappeared into the international marketplace. Efforts following the war to return the looted art to original owners were successful to a degree, but to this day many items remain lost to their original owners and heirs.

It is interesting to note that when the French Vichy government tried to object on international legal grounds to Nazi confiscation of art owned by Jewish citizens in France, the Germans responded that such individuals (including those who were sent to concentration camps) had been declared by French authorities no longer to be citizens. Hence, the Nazis claimed that the 1907 Hague Convention, which prohibits the confiscation of assets from citizens in occupied countries, did not apply.

This reasoning cannot be tolerated by civilized people and one purpose of the legislation before us today is to underline that the restitution of these works of art to their rightful owners is required by international law, as spelled out in the 1907 Hague Convention. The return of war booty ought to be a goal of civilized nations even at this late date, long after the end of World War II. For that reason, I have included in the legislation a sense of Congress urging all governments to take appropriate actions to achieve this end.

The Holocaust may have been a war within a war—one fought against defined individuals and civilized values—but it was an integral part of the larger world war among states. Hence, the international principles prohibiting the theft of art and private property during wartime should be applied with equal rigor in instances of genocidal war within a country's borders or conquered territory.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

S. 1559. An act to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

CONSIDERING AS ADOPTED REMAINING MOTIONS TO SUSPEND THE RULES CONSIDERED ON MONDAY, SEPTEMBER 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the House be considered to have adopted a motion to suspend the rules and pass each of the following measures in the form considered by the House on Monday, September 29th, 1997:

S. 1161, to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20608.)

H.R. 2233, to assist in the conservation of coral reefs;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20613.)

H.R. 2007, to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20615.)

H.R. 1476, to settle certain Micosukee Indian land takings claims within the State of Florida;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20616.)

H.R. 1262, to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20632.)

H.R. 2165, to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20635.)

H.R. 2207, to amend the Federal Water Pollution Control Act con-

cerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20636.)

S. 819, to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V.B. Bostetter, Jr. United States Courthouse";

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20638.)

S. 833, to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the "Howard M. Metzenbaum United States Courthouse";

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20638.)

H.R. 548, to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse";

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20639); and

H.R. 595, to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse".

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page 20643), and that in each case a motion to reconsider be considered as laid on the table.

Mr. DUNCAN. Mr. Speaker, this bill is similar to legislation, H.R. 2036 which the House considered, but did not vote, on September 29.

S. 1193 reauthorizes the War Risk Insurance Program until December 31, 1998 and supersedes language in the Department of Defense Authorization bill regarding this program.

This shorter extension of the program is a compromise worked out with the other body and with the administration in order to develop an alternative to a borrowing authority provision that was in the original House reported bill.

The Administration has agreed to develop in the coming months an alternative to the borrowing authority that would ensure that air carrier insurance claims could be paid in a timely manner.

And we look forward to working with them on that.

Mr. Speaker, the war risk insurance program was first authorized in 1951, and, over the years, has been improved upon during the reauthorization process.

On May 1 of this year, the Aviation Subcommittee held a hearing to review this very important program, which expired on September 30 of this year.

Of course, we rarely hear about this program until a conflict arises, like Vietnam, the gulf war, or Bosnia. This insurance program was an integral part of our Nation's military response in those cases.

The Reauthorization of this program is also very essential for a viable Civil Reserve Air Fleet program which meets the Nation's security needs.

The Department of Defense depends on the CRAF program for over 90% of its passengers, 40% of its cargo, and nearly 100% of its air medical evacuation capability in wartime. These flights could not be operated without the insurance provided by this bill.

So it is very important that we reauthorize this program as soon as possible.

Mr. Speaker, this legislation authorizes the Secretary of Transportation to be guided by reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured.

This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance.

The bill also states that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. government agency will constitute the required finding under current law that the flight is necessary to carry out the foreign policy of the United States.

Section 4 of the bill permits a war risk insurance policy to provide for binding arbitration of a dispute between the FAA and the commercial insurer over what part of a loss each is responsible.

And finally, the bill includes a very simple provision designed to fix a problem experienced by defense contractors who lease back their planes from the military in order to fly them in air shows or other similar demonstrations.

Although this practice has been going on for many years, some in the FAA have interpreted the law in a way that would prevent this from occurring.

This bill would allow these flight demonstrations, which are important to product development and company sales, to take place.

I strongly urge the House to support this legislation so that we can reauthorize this very essential program.

CONSIDERING AS PASSED H. CON. RES. 131, SENSE OF CONGRESS REGARDING THE OCEAN, AS AMENDED

Mr. ARMEY. Mr. Speaker, I ask further unanimous consent that the amendment to H. Con. Res. 131 placed at the desk be considered as adopted and the resolution H.Con.Res. 131 be reconsidered as adopted, and a motion to reconsider be laid on the table.

The text of H.Con.Res. 131 is as follows:

H. CON. RES. 131

Whereas the ocean comprises nearly three quarters of the surface of the Earth;

Whereas the ocean contains diverse species of fish and other living organisms which form the largest ecosystem on Earth;

Whereas these living marine resources provide important food resources to the United States and the world, and unsustainable use of these resources has unacceptable economic, environmental, and cultural consequences;

Whereas the ocean and sea floor contain vast energy and mineral resources which are

critical to the economy of the United States and the world;

Whereas the ocean largely controls global weather and climate, and is the ultimate source of all water resources;

Whereas the vast majority of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

Whereas the ocean is the common means of transportation between coastal nations and carries the majority of the United States foreign trade;

Whereas any nation's use or misuse of ocean resources has effects far beyond that nation's borders; and

Whereas the United Nations has declared 1998 to be the International Year of the Ocean, and in order to observe such celebration, the National Oceanic and Atmospheric Administration and other Federal agencies, in cooperation with organizations concerned with ocean science and marine resources, have resolved to promote exploration, utilization, conservation, and public awareness of the ocean: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

(2) the United States has a responsibility to exercise and promote comprehensive stewardship of the ocean and the living marine resources it contains; and

(3) the agencies of the United States Government, and all other public and private organizations, are encouraged to strive toward a better understanding of the ocean, communicate this understanding to the people of the United States, and thereby promote the exploration of the ocean, the sustainable use of ocean resources, and the conservation of these resources for future generations.

The text of House Concurrent Resolution 131, as amended, is as follows:

H. CON. RES. 131

Whereas the ocean, which comprises nearly three-quarters of the Earth's surface, sustains a large part of the Earth's biodiversity, provides an important source of food, and interacts with and affects global weather and climate;

Whereas the ocean is critical to national security, is the common means of transportation among coastal nations, and carries 95 percent of the United States foreign trade;

Whereas the ocean and sea floor contain vast energy and mineral resources that are critical to the economy of the United States and the world;

Whereas ocean resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends;

Whereas the vast majority of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

Whereas there exists significant promise for the development of new ocean technologies for stewardship of ocean resources that will contribute to the economy through business and manufacturing innovations and the creation of new jobs;

Whereas any nation's use or misuse of ocean resources has effects far beyond that nation's borders;

Whereas it has been 30 years since the Commission on Marine Science, Engineering,

and Resources (popularly known as the Stratton Commission) met to examine the state of United States ocean policy and issued recommendations that led to the present Federal structure for oceanography and marine resource management; and

Whereas 1998 has been declared the International Year of the Ocean, and in order to observe such celebration, the National Oceanic and Atmospheric Administration and other Federal agencies, in cooperation with organizations concerned with ocean science and marine resources, have resolved to promote exploration, utilization, conservation, and public awareness of the ocean: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

(2) the United States has a responsibility to exercise and promote comprehensive stewardship of the ocean and the living marine resources it contains; and

(3) Federal agencies are encouraged to take advantage of the United States and international focus on the oceans in 1998, to—

(A) review United States oceanography and marine resource management policies and programs;

(B) identify opportunities to streamline, better direct, and increase interagency cooperation in oceanographic research and marine resource management policies and programs; and

(C) develop scientific, educational, and resource management programs which will advance the exploration of the ocean and the sustainable use of ocean resources.

Amend the title so as to read: "Concurrent resolution acknowledging 1998 as the International Year of the Ocean and expressing the sense of Congress regarding the ocean."

CONSIDERING AS ADOPTED S. 1193, AND H.R. 2036, AVIATION INSURANCE REAUTHORIZATION ACT OF 1997

Mr. ARMEY. Mr. Speaker, I ask further unanimous consent that the Senate bill (S. 1193) to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes, the counterpart of H.R. 2036, considered by the House on Monday, September 29, 1997, be considered as adopted, and the motion to reconsider be laid on the table.

The text of S. 1193 is as follows:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Insurance Reauthorization Act of 1997".

SEC. 2. VALUATION OF AIRCRAFT.

(a) GENERAL AUTHORITY FOR INSURANCE AND REINSURANCE.—Section 44302(a)(2) of title 49, United States Code, is amended by striking "as determined by the Secretary." and inserting "as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry."

(b) LIMITATION ON MAXIMUM INSURED AMOUNT.—Section 44306(c) of title 49, United States Code, is amended by striking "as determined by the Secretary." and inserting "as determined by the Secretary in accordance with reasonable business practices in

the commercial aviation insurance industry."

SEC. 3. EFFECT OF INDEMNITY AGREEMENTS.

Section 44305(b) of title 49, United States Code, is amended by adding at the end the following: "If such an agreement is countersigned by the President or the President's designee, the agreement shall constitute, for purposes of section 44302(b), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States."

SEC. 4. ARBITRATION AUTHORITY.

(a) **AUTHORIZATION OF BINDING ARBITRATION.**—Section 44308(b)(1) of title 49, United States Code, is amended by inserting after the second sentence the following: "Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates."

(b) **AUTHORITY TO PAY ARBITRATION AWARD.**—Section 44308(b)(2) of such title is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) pay the amount of a binding arbitration award made under paragraph (1); and"

SEC. 5. EXTENSION OF PROGRAM.

(a) **IN GENERAL.**—Section 44310 of title 49, United States Code, is amended by striking "September 30, 2002" and inserting "December 31, 1998".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect on October 1, 1997.

SEC. 6. USE OF AIRCRAFT FOR DEMONSTRATION.

Section 40102(a)(37)(A) of title 49, United States Code, is amended—

(1) by striking "or" in clause (i);

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

"(ii) owned by the United States Government and operated by any person for purposes related to crew training, equipment development, or demonstration; or"

(For text of H.R. 2036, see proceedings of the House of Monday, September 29, 1997, at page 20640.)

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2036, be laid on the table.

The SPEAKER pro tempore. Is there objection to the combined requests of the gentleman from Texas?

There was no objection.

Mr. SHUSTER. Mr. Speaker, the War Risk Insurance Program has been a relatively non-controversial program. It was first authorized in 1951 and last reauthorized in 1992.

Since 1975, it has been used to insure more than 5,000 flights to trouble spots such as the Middle East, Haiti, and Bosnia. It was used to insure airlines ferrying troops and supplies to the Middle East during Operation Desert Storm. The program expired on September 30, 1997. The reauthorization of this program is relatively straightforward.

Several technical changes suggested by GAO, the administration, or the affected airlines have been included in the bill. These

changes would do the following: First, authorize the Secretary to be guided by the reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured. This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance. For example, this occurs in the case of leased or mortgaged aircraft when the lessor or mortgagor require a specified amount of insurance in the lease or mortgage agreement. As the market values of aircraft fluctuate, the specified amount may sometimes be different than the market value of the aircraft. Second, state that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. Government agency will constitute the required finding that the flight is necessary to carry out the foreign policy of the United States. Third, permit war risk insurance policy to provide for binding arbitration of a dispute between FAA and the commercial insurer over what part of a loss each is responsible for. And fourth, extend the program for 1 year.

There are three changes from the bill that was reported by our committee, Report 105-244. They are: Elimination of the provision on borrowing authority; shortening of the authorization period; and a very limited provision on public aircraft.

The elimination of the borrowing authority and the shortening of the reauthorization period are closely related.

We have dropped the borrowing authority at the request of the administration. However, FAA officials have committed to us that in return for eliminating this provision, they would work with us to develop an alternative to ensure that airline insurance claims can be paid in a timely fashion. We look forward to working with the FAA, DOD, and the airlines on this.

The reauthorization period has been shortened to 1 year to ensure that FAA addresses this matter in the next year. It is our intent that the 1-year reauthorization period in this bill would supersede the longer period in section 1088 of the DOD reauthorization bill.

The new provision on public aircraft is a response to a problem recently experienced by Boeing, McDonnell-Douglas, and other defense contractors. The problem arises because these companies will sometimes lease back from the military aircraft that they had previously sold them. The do this in order to fly them in air shows, flight demonstrations, research, development, test, evaluation, or aircrew qualification. When they do this, FAA now believes that they lose their status as public aircraft and become subject to FAA regulations. However, as military aircraft, they cannot comply with civil regulations.

In order to allow aircraft manufacturers to once again fly their aircraft in air shows and demonstrate them for customers, this bill will make clear that these aircraft retain their status as public aircraft when leased back to the manufacturer from the Government for these limited purposes. This provision will certainly not allow anyone to lease a plane from the military and use it to carry passengers or for similar commercial purposes.

This bill is essentially the same as H.R. 2036 that the House debated on September 29, 1997. I urge support for this legislation.

TRIBUTE TO ED NICHOLS UPON HIS RETIREMENT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute.)

Mr. KLECZKA. Mr. Speaker, I rise today to dispel a myth. Most of us who frequent this Chamber, if we ever stop to consider it, probably think the mace just magically appears and disappears at the start and conclusion of each session. The truth is much harder to believe. For the past 21 years, without missing a single day, a gentleman named Ed Nichols has faithfully carried out the ceremonial duties associated with the mace. An historic symbol of the duty of the Sergeant at Arms to keep order in the House of Representatives, the mace, right behind me, lets us know at a glance when we are meeting in the full session.

Ed has decided to retire at the end of the 105th Congress, and that end has come tonight. His career on Capitol Hill began in 1976 with the office of Sergeant at Arms. Previous to that, he spent several years in the Navy living for a time in Japan with his wife Joan. As assistant to the Sergeant at Arms, Ed's duties extended beyond the care and feeding of the mace, to include accompanying delegations of Members for a variety of activities, most recently to the funeral services for our late colleague Walter Capps.

Members new to the institution found Ed a willing and friendly source of information as they struggled to get a handle on the legislative process. Perhaps this is where we will miss Ed most of all.

The sense of loss we feel in Ed's retirement is tempered by the knowledge that a long-cherished dream is about to become a reality. Ed and his beloved wife Joan recently purchased a beautiful home on Maryland's Eastern Shore. Their two sons, Ron and Bobby, and their daughter Susan, along with their four grandchildren, are blocking off vacation time at this home as this tribute is being delivered tonight.

Ed leaves behind a career of dedication to this institution that will not be forgotten or easily duplicated. We join together today to wish him the very best, which is what he gave to us every day.

Ed, good fishing, good golfing, good luck, and, good God, please don't write a book.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, Ed Nichols, I remember, if I may, watching the House of Representatives back in 1982 and 1983, before I even thought of being

a Member. I was always so impressed with the opening of the House, even as a citizen, having never in my life having been to Washington or in this Chamber, the ceremony, the seriousness of the matter, the professionalism by which the House is opened each day. Some days it seems like the last moment of professionalism for the House that day, as it gets to be a raucous-caucus place on occasion. But always when Ed Nichols would open that door and bring that mace before us, we knew something important was going to happen in the Nation's business that day.

Ed has done this for 21 years as a service to his country, to this Chamber, and I believe to his family and to each Member here. If I might join the gentleman in wishing my best for you in retirement, may your home never be large enough to hold all your friends, and may you outlive all your enemies.

Ms. DUNN of Washington. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Washington.

Ms. DUNN. Mr. Speaker, I, too, am one of the admirers of Ed Nichols. There are many people in this body who walk through your life and leave no imprint, but there are others like Ed Nichols, whom you remember forever. Ed is a person to me who epitomizes everything good about the institution of the House, and that is probably because he is dedicated to it and committed to it and loves this place. You can tell that when you talk to the other people who work around this body and how much they are going to miss Ed Nichols as he leaves to go to his chosen retreat on the Eastern Shore to fish and enjoy time with his family.

I came here 5 years ago, and he was the first person I noticed as I walked in for my first vote. He was the epitome of the dignity that I expected to find after having been honored by my constituents as they chose me to come and represent them. He is the person we looked toward as we walked onto the floor of the House for votes, who personified the traditions of this great place, the seriousness of this great institution, and the love that those of us who are committed to this House now feel for it.

So for the time I have been here, Ed has been a fixture, and he has made an imprint on my life. He is not somebody that I will soon forget, and it is for this reason, Ed, that I am honored to be able to say thank you for the good things that you have done for those of us who cherish this experience. We know you cherish it along with us. It is my great honor to say thank you on behalf of all of us. We will miss you.

Mr. PASTOR. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Arizona.

Mr. PASTOR. Mr. Speaker, in October 1991 when I first came to this

House, one of the persons in this House, after I was sworn in, who came to me and said, if I can be of any help, please call on me, and I have to tell you that from that day and even today, I sometimes seek his counsel, and I cherish his friendship.

So, Ed, I want to thank you for the friendship you have given me. I want to thank you for the 21 years of service you have given this country, and I wish you the best and many years of retirement.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I rise because I am really somewhat shocked this evening, having heard the remarks of my friend from Arizona, my friend from Washington, my friend from Texas. I had been up to this moment convinced I was the only person in this Chamber that Ed Nichols had come to and said, you know, I will do anything for you that I possibly can to help you.

But I find that he was more even-handed than any of us could have possibly thought. He did a great deal, not only ceremonially, but in providing assistance to many of us, and I have to say that I had the great opportunity to get to know Ed and his wife Joan when we used to have those wonderful trips that would go in a bipartisan way every other year to New York City, and I remember those many visits. My friend from New York City, Mr. GILMAN, is applauding once again, hoping we can once again have those sorts of bipartisan quarters. Ed will not be here for those, but he clearly did play a role in facilitating those, making them a very, very enjoyable experience for every one of us.

Obviously, here in this Chamber, as I said, he obviously has helped many, many others, and I appreciate his friendship, and I am very gratified by the directive that has come from my friend from Wisconsin that Mr. Nichols not write a book.

Thank you very much.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding.

I rise, Ed, on behalf of myself, but also on behalf of the Minority Leader, DICK GEPHARDT; our Whip, DAVID BONIOR; the Chairman of our Caucus, VIC FAZIO, and the Vice Chairman of our Caucus, BARBARA KENNELLY, and all the other leadership and Members on our side of the aisle.

Ed Nichols has chosen well for the Eastern Shore. Now, I represent the Western Shore, and WAYNE GILCHREST is not here, but I am sure that WAYNE would swell with pride and be de-

lighted, Ed, that you are going to spend many years of full enjoyment of not only the Shore, but of the many recreational opportunities it has. As the gentleman from Wisconsin has said, and the majority leader said, a house full of relatives and friends.

□ 2330

Far too often, as I have said so many times on this floor, the public turns on C-Span and they see confrontation. Sometimes they even see vitriol directed at one another.

What they do not see often enough is the human relationships of which the gentlewoman from Washington [Ms. DUNN] spoke. What they do not see is the commitment and dedication of the folks who sit at the desk and stand on the floor to ensure that in the context of the confrontation of philosophies and ideas, that there is a semblance of order which allows us to do the people's business, which allows this people's House to act in the finest traditions of democracy. It is people who, as has been said before, like Ed Nichols, dedicated to his country, dedicated to this institution.

Ed Nichols has served under 5 Speakers of the House: Speaker Albert, Speaker O'Neill, Speaker Wright, Speaker Foley, and now Speaker GINGRICH. He has served, as my colleagues can tell from listening to the comments made by both sides of the aisle, by Members more liberal, by Members more conservative, he has dealt with each of us in an evenhanded, positive fashion, reaching out to us to assist us in representing to the very best of our abilities the people of our constituencies. And in so doing, he has made a very significant and lasting contribution to the strength of this country and the strength of this institution.

Ed, we will miss you from this floor. We will not forget you. We hope you will return often for that smile and the warm word, the handshake, the nod of encouragement. It meant a great deal to all of us. God bless and Godspeed.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Maryland.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding to me, because I am pleased, and yet I am mournful of the fact that Ed Nichols is leaving us in this Chamber.

Mr. Speaker, I have had people say to me, when they have watched C-Span, they have called and said, who is that good-looking, gray-haired man who brings in the mace? And I think to myself, Ed Nichols, of course.

In fact, somebody even asked me where you lived, Ed. I really wanted to say he is my constituent. He lives in Montgomery County, Maryland. But unfortunately for me, he is moving to the Eastern Shore, to another part of Maryland, but for me he will always be

not only my constituent, but my very good friend.

He has seen a lot of things happen in his 20-plus years, his 2 decades plus 1 here on this House floor, and he also has a great sense of humor, and I often think that as we enter the Chamber, there is a statue of Will Rogers there and he is kind of looking down, sort of smiling.

I remember something that Will Rogers said, not because I was there, but I remember reading about Will Rogers making the statement that Congress is a place where somebody speaks and says nothing, nobody listens, and everybody disagrees.

Well, I do not know. I think we have our man here who could give testimony to the fact that a lot of good things do happen in this Chamber. I know that we will always remember the fact that he was there, as has been mentioned, ready to help us, ready to smile, to say everything is going to be fine, this is the way it is done, and very professional, very professional and dignified in all that he did. He made this station be exactly what it should be: One where all of us can look up to what he has done.

So Ed, we appreciate your sense of humor, your professionalism, your dignity, your fairness. On both sides of the aisle we can see tremendous testimony given to you. I will be very careful about those speed bumps in your neighborhood. I do not know whether they have them on the Eastern Shore or not, probably not.

But quite candidly, I will miss you, my colleagues will miss you, and we hope that you have a grand time. As Emerson said to Thoreau, "I meet you at the beginning of a new adventure." May you enjoy your adventure, because you certainly left an impact here. Thank you. Godspeed.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I began my service in this body as a member of the staff, and I have great respect and particular appreciation for those who serve to support this institution and support the Members and guide them, point them in the right path, and that is what Ed Nichols has been for all of us. He has been a safe haven in a storm, and when things were swirling about and there was confusion on the floor, many is the Member who sought the quiet refuge and the steady hand of Ed Nichols off in the corner, explaining what had happened, predicting what was about to happen, and apologizing when it did not happen that way.

He understands the institutions, he understood each of us and our specific needs, and he responded in a very special and unique way. But the treasure,

for all of the kind and wonderful things that others have said about Ed Nichols, the treasure I will carry with me is the treasure of his friendship, the warmth and the caring of a very special person.

I recall when my wife Jo passed away and Ed was there to help with the arrangements for the Mass of Resurrection. For all those who came to pay their respects, he made it all happen in a very orderly and respectful manner, as he has conducted himself in this office that he holds and which he is about to leave.

Adlai STEVENSON, addressing a graduating class, said, "As you leave, remember why you came." Ed will never forget why he came. He came to serve. We thank you for that service.

Mr. KLECZKA. So Ed, on behalf of all of your friends here in the House of Representatives, let me thank you for your 21 years of dedicated service. May you enjoy your retirement in good health and with God's blessing, and know that when I have the annual get-together in Milwaukee, Wisconsin with kielbasa, you are always invited.

LIST OF REPUBLICAN MEMBERS SELECTED TO SERVE AS "POOL" FOR PURPOSES RELATING TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 6 of rule X, the Chair announces the Speaker's appointment of the following Members to serve as need on investigative subcommittees as prescribed by the recently enacted ethics reforms:

Mr. BATEMAN of Virginia.
Mr. BRYANT of Tennessee.
Mr. DEAL of Georgia.
Mr. HASTINGS of Washington.
Mr. MCCHERY of Louisiana.
Mr. MCKEON of California.
Mr. MILLER of Florida.
Mr. PORTMAN of Ohio.
Mr. TALENT of Missouri.
Mr. THORNBERRY of Texas.

LIST OF DEMOCRATIC MEMBERS SELECTED TO SERVE AS "POOL" FOR PURPOSES RELATING TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 6 of rule X, the Chair lays before the House the following communication:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,

Washington, DC, November 13, 1997.

Speaker NEWT GINGRICH,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Following is the list of Members I have selected to serve as the "pool" for purposes relating to the Committee on Standards:

Mr. Clyburn of South Carolina.
Mr. Doyle of Pennsylvania.

Mr. Edwards of Texas.
Mr. Klink of Pennsylvania.
Mr. Lewis of Georgia.
Ms. Meek of Florida.
Mr. Scott of Virginia.
Mr. Stupak of Michigan.
Mr. Tanner of Tennessee.

Sincerely,

RICHARD A. GEPHARDT.

CONSIDERING AS PASSED AND ADOPTED S. 1565, TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT; S. 1559, CENTER FOR HISTORICALLY BLACK HERITAGE; S. CON. RES. 70, CORRECTING TECHNICAL ERROR IN ENROLLMENT OF S. 1026

Mr. THUNE. Mr. Speaker, I ask unanimous consent that the following measures be taken from the Speaker's desk and be considered as passed or adopted respectively:

S. 1565, to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act; S. 1559, to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; and S. Con. Res. 70, to correct a technical error in the enrollment of the bill S. 1026.

The text of S. 1565 is as follows:

S. 1565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) ADJUSTMENT OF STATUS.—Section 202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking "Notwithstanding section 245(c) of the Immigration and Nationality Act, the" and inserting "The"; and

(2) in subparagraph (B)—

(A) by striking "is otherwise eligible to receive an immigrant visa and"; and

(B) by striking "(6)(A), and (7)(A)" and inserting "(6)(A), (7)(A), and (9)(B)".

(b) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking "Notwithstanding section 245(c) of the Immigration and Nationality Act, the" and inserting "The"; and

(2) in subparagraph (D)—

(A) by striking "is otherwise eligible to receive an immigrant visa and";

(B) by striking "exclusion" and inserting "inadmissibility"; and

(C) by striking "(6)(A), and (7)(A)" and inserting "(6)(A), (7)(A), and (9)(B)".

(c) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 203(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended (1) in clause (i), in the matter preceding subclause (I), by inserting "of this paragraph" after "subparagraph (A)"; (2) in clause (ii), by striking "this clause (i)," and inserting "clause (i)".

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in paragraph (1) by inserting "otherwise" before "available under that section"; and

(2) in paragraph (2)(A)—

(A) by striking "309(c)(5)(C)" and inserting "309(c)(5)(C)(1)"; and

(B) by striking "year exceeds—" and inserting "year; exceeds".

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—Section 203(e)(2)(A) of the Nicaraguan Adjustment and Central American Relief Act is amended by striking "(d)(2)(A), exceeds—" and inserting "(d)(2)(A); exceeds".

(f) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect upon the enactment of the Nicaraguan Adjustment and Central American Relief Act (as contained in the District of Columbia Appropriations Act, 1998); and

(2) shall be effective as if included in the enactment of such Act.

The text of S. 1559 is as follows:

S. 1559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTRUCTION OF A CENTER FOR REGIONAL BLACK CULTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) Currently 500,000 historically important artifacts of the Civil War era and the early days of the civil rights movement in the Southeast region of the United States are housed at Florida A&M University.

(2) To preserve this large repository of African-American history and artifacts it is appropriate that the Federal Government share in the cost of construction of this national repository for culture and history.

(b) DEFINITION.—In this section:

(1) CENTER.—The term "Center" means the Center for Historically Black Heritage at Florida A&M University.

(2) SECRETARY.—The term "Secretary" means the Secretary of Interior acting through the Director of the National Park Service.

(c) CONSTRUCTION OF CENTER.—The Secretary may award a grant to the State of Florida to pay for the Federal share of the cost, design, construction, furnishing, and equipping of the Center at Florida A&M University.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), Florida A&M University, shall submit to the Secretary a proposal.

(2) FEDERAL SHARE.—The Federal share described in subsection (c) shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary of Interior to carry out this section a total of \$3,800,000 for fiscal year 1998 and any succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

The text of Senate Concurrent Resolution 70 is as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, the Secretary of the Senate shall strike subsection (a) of section 2 and insert the following:

"(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking 'until' and all that follows through 'but' and inserting 'until the close of business on September 30, 2001, but'."

LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND ACT

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 156), to provide certain benefits of the Pick-Sloan Missouri River Basin Program to the Lower Brule Sioux Tribe, and for other purposes, and that the bill be considered as passed.

The text of S. 156 is as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan Missouri River Basin program, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the eastern boundary of the Lower Brule Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Lower Brule Sioux Tribe and the homeland of the members of the Tribe;

(4) Public Law 85-923 (72 Stat. 1773 et seq.) authorized the acquisition of 7,997 acres of Indian land on the Lower Brule Indian Reservation for the Fort Randall project and Public Law 87-734 (76 Stat. 698 et seq.) authorized the acquisition of 14,299 acres of Indian land on the Lower Brule Indian Reservation for the Big Bend project;

(5) Public Law 87-734 (76 Stat. 698 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation, by directing the Secretary of the Army to—

(A) as necessary, by reason of the Big Bend project, protect, replace, relocate, or reconstruct—

(i) any essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters existing at the time that the projects were carried out; and

(ii) roads, bridges, and incidental matters or facilities in connection with those facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the requirements under Public Law 87-734 (76 Stat. 698 et seq.) with respect to the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation have not been fulfilled;

(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Lower Brule Indian Reservation remains underdeveloped, in part as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and social development and cultural preservation of the Lower Brule Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan Missouri River Basin program; and

(9) the Lower Brule Sioux Tribe is entitled to additional benefits of the Pick-Sloan Missouri River Basin program.

SEC. 3. DEFINITIONS.

In this Act:

(1) FUND.—The term "Fund" means the Lower Brule Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).

(2) PLAN.—The term "plan" means the plan for socioeconomic recovery and cultural preservation prepared under section 5.

(3) PROGRAM.—The term "Program" means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) TRIBE.—The term "Tribe" means the Lower Brule Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

SEC. 4. ESTABLISHMENT OF LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.

(a) LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Lower Brule Sioux Tribe Infrastructure Development Trust Fund".

(b) FUNDING.—Beginning with fiscal year 1998, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to \$39,300,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b)

into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with subparagraph (C).

(B) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw amounts from the account established under paragraph (1) and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.

(a) PLAN.—

(1) IN GENERAL.—The Tribe shall, not later than 2 years after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under section 4(d)(2). In developing the plan, the Tribe shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Lower Brule Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary of Health and Human Services, in consultation with the individuals and entities referred to in subsection (a)(1), determines to be—

(A) needed; and

(B) unavailable through facilities of the Indian Health Service on the Lower Brule Indian Reservation in existence at the time of the determination.

(3) WATER SYSTEM.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Lower Brule Indian Reservation.

(4) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe at Big Bend Dam and at other locations on the Lower Brule Indian Reservation in South Dakota.

(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Tribe considers to be appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 7. EFFECT OF PAYMENTS TO TRIBE.

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

(1) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) any treaty obligation of the United States.

SENSE OF HOUSE REGARDING IRAQ

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 322), expressing the sense of the House that the United States should act to resolve the crisis with Iraq in a manner that assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction, and that peaceful and diplomatic efforts should be pursued, but that if such efforts fail, multilateral military action or unilateral United States military action should be taken; the amendment to the text that I have placed at the desk be considered as adopted; the resolution be considered as adopted; and the amendment to the preamble that I have placed at the desk be considered as adopted.

The text of H. Res. 322, as amended, is as follows:

H. RES. 322

Whereas at the conclusion of the Gulf War the United States and the United Nations acting through the Security Council determined to find and destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and its ability to produce missiles capable of delivering such weapons of mass destruction;

Whereas in pursuit of this goal, the United Nations set up a special multinational commission of experts to oversee the completion

of this task (the United Nations Special Commission—UNSCOM), and that task could and should have been accomplished within a matter of months if Iraq had cooperated with the United Nations officials;

Whereas sanctions were imposed upon Iraq to insure its compliance with United Nations directives to eliminate its capability to produce weapons of mass destruction, with the provision that the sanctions would be lifted when UNSCOM certified that Iraq's capability to produce weapons of mass destruction had been eliminated;

Whereas for six and a half years Iraq has pursued a policy of deception, lies, concealment, harassment and intimidation in a deliberate effort to hamper the work of UNSCOM in eliminating Iraq's ability to produce and deliver weapons of mass destruction; and

Whereas recently the government of Iraq has escalated its policy of non-compliance with United Nations Security Council resolutions by refusing to permit United States citizens who are recognized specialists from participating as members of UNSCOM teams in carrying out in Iraq actions to implement Security Council resolutions: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives

(1) that the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions, regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) that in the event that military means are necessary to compel Iraqi compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multinational support, preferably pursuant to a resolution of the United Nations Security Council;

(3) but that if it is necessary, the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

Strike all after the resolved clause and insert the following:

That it is the sense of the House of Representatives that—

(1) the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) in the event that military means are necessary to compel Iraqi compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multinational support, preferably pursuant to a decision of the United Nations Security Council; and

(3) if it is necessary, however, the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

Strike all that precedes the resolved clause and insert the following:

Whereas at the conclusion of the Gulf War the United States and the United Nations, acting through the Security Council, determined to find and destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and its ability to produce missiles capable of delivering such weapons of mass destruction;

Whereas in pursuit of this goal, the United Nations set up a special multinational commission of experts to oversee the completion of this task (the United Nations Special Commission—UNSCOM), and that task could and should have accomplished within a matter of months if Iraq had cooperated with United Nations officials;

Whereas sanctions were imposed upon Iraq to insure its compliance with United Nations directives to eliminate its capability to produce weapons of mass destruction;

Whereas for 6½ years Iraq has pursued a policy of deception, lies, concealment, harassment, and intimidation in a deliberate effort to hamper the work of UNSCOM in eliminating Iraq's ability to produce and deliver weapons of mass destruction; and

Whereas recently the Government of Iraq has escalated its policy of noncompliance and continues to breach in a material way United Nations Security Council resolutions by refusing to permit United States citizens who are recognized specialists as members of UNSCOM teams in carrying out in Iraq actions to implement Security Council resolutions: Now, therefore, be it

Mr. GILMAN. Mr. Speaker, I want to express my support for the resolution that our colleague, Mr. LANTOS, has introduced, and to commend him for his forthrightness on the issue of Saddam Hussein. I am pleased to cosponsor this bill. The current crisis with Iraq is, at its core, yet another effort by Saddam to evade sanctions and to isolate the United States from its allies.

It was decided by the member states of the United Nations, under the auspices of the U.N. Security Council, over 6 years ago, that the civilized world would no longer countenance Saddam's efforts to threaten the region and the world through chemical, biological, and nuclear means. Accordingly, UNSCOM was created to uncover and destroy Iraq's weapons of mass destruction.

The sanctions which followed were imposed upon Iraq to ensure its compliance, and were to remain in place until that capability no longer existed. However, the Iraqi regime has evaded UNSCOM's efforts at every turn, and UNSCOM inspectors have been harassed, intimidated, and deceived on a regular basis. It is testament to UNSCOM's persistence that progress in eliminating Iraq's capabilities has been made over the years. But Saddam's capabilities have not been completely eliminated.

It has become clear that Saddam Hussein's repeated refusal to permit American inspectors from participating in UNSCOM inspections cannot be allowed to stand. While all of us support resolving this latest crisis through diplomatic means, Saddam must know that force will be used, if necessary, to ensure that the U.N. Security Council resolutions are complied with.

The bill expresses the sense of the house supporting the use of force as a last resort to assure the destruction of Iraq's capability to produce and deliver weapons of mass destruction—preferably through a multilateral effort. However, the bill advocates unilateral action by the United States if necessary.

Saddam must know that our resolve is greater than his, and that we will not be swayed by our collective determination to eliminate his capability to create and inflict weapons of mass destruction upon his neighbors and the world. Accordingly, I urge our colleagues' support for this bill.

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE REPORT ON H.R. 217 NO LATER THAN DECEMBER 19, 1997.

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on Banking and Financial Services be permitted to file a report on the bill H.R. 217 no later than December 19, 1997.

The SPEAKER pro tempore. Is there objection to the combined requests of the gentleman from South Dakota?

There was no objection.

The SPEAKER pro tempore. The various motions to reconsider are laid on the table.

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 12, 1997

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATIVES,
Washington, DC, November 11, 1997.

HON. TOM RIDGE,
Governor, Commonwealth of Pennsylvania,
Harrisburg, PA.

DEAR MR. GOVERNOR: This letter is to officially notify you of my resignation as United States Representative to the First District of Pennsylvania. President Clinton has given me the opportunity to continue my lifetime of public service by nominating me to be Ambassador to Italy, the nation of my heritage.

I thank the people of the First District for the opportunity to serve them, this country and this institution. It has been a great honor.

Thank you.

Sincerely,

THOMAS M. FOGLIETTA.

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 12, 1997, DURING CONSIDERATION OF H.R. 2709

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counterproliferation laws in order to address a matter of critical concern to our national security, the risk that Iran may soon obtain from firms in Russia and elsewhere the capability of producing its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, over 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic leader, Mr. GEPHARDT. A companion measure in the Senate has 84 cosponsors, led by the Senate majority leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

The urgency for this legislation is apparent from press reports. For more than a year, our Government has been in constant dialog with the Russian

leadership regarding Russian assistance to the Iranian ballistic missile program. The meetings have been going on, more talks are scheduled, more summits are held, yet the Iranian military continues to make rapid progress in developing long-range missiles with critically needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to produce its own ballistic missiles within less than 1 year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With this legislation, we will be giving Russian firms compelling reasons not to trade with Iran. The sanctions which this legislation threatens to impose will force those firms to choose between their short-term profits from dealing with Iran and potentially far more lucrative long-term economic relations with our own Nation.

To make certain that the President takes a careful look at this legislation, the amendment before us also adds to our Iranian sanctions measure the text of Senate 610, the Chemical Weapons Convention Implementation Act of 1997, which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which was controversial in the Senate, the implementing legislation is strongly supported all across the political spectrum, from the administration to Senators such as JOHN KYL and JESSE HELMS who have led the fight against the Chemical Weapons Convention.

Mr. Speaker, in the 1980's the world stood by as Saddam Hussein built up the Iraqi arsenal of weapons of mass destruction. This bill will help make certain that Iran does not follow the example of its neighbors in Iraq and become the next threat to international stability. Accordingly, I urge my colleagues to join in support of this measure.

Mr. Speaker, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counterproliferation laws in order to address a matter of critical concern to our national security—the risk that Iran may soon obtain from firms in Russia and elsewhere the capability to produce its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic Leader, Mr. GEPHARDT. A companion measure in the Senate currently has 84 cosponsors, led by the Senate Majority Leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

Once implemented, this bill will help to stop the scourge of missile proliferation that directly threatens our troops and our allies throughout Europe and Asia. It will help the Administration in its efforts to stop Russian institutes and research facilities from assisting Iran's medium

and long range missile program, and will defuse the growing Iranian missile threat in the Persian Gulf and the Middle East.

The urgency for this legislation is apparent from recent press accounts regarding the status of Iran's ballistic missile program. For more than a year, our government has been in a constant dialog with the Russian leadership on the issue of Russian assistance to the Iranian ballistic missile program.

On April 14 of this year in a letter to Senator MCCONNELL, the President assured the Congress that the Administration will "continue to engage the Russians at the highest levels on this sensitive subject to prevent any transfer or cooperation inconsistent with Russian government policy and contrary to its assurances to us."

However, several months—and many meetings—later, on September 11, State Department Spokesman Jim Foley noted that "We're very concerned by reports indicating that Russian entities may have provided * * * missile assistance to Iran. * * * While we appreciate * * * assurances [from the Russian government], we remain disturbed by the discrepancy between these assurances and reports of Russian firms cooperating with Iran."

The meetings go on, more talks are scheduled, more summits are held, yet the Iranian military continues to make rapid progress in developing long range missiles with critically-needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to produce its own ballistic missiles within less than a year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With the adoption of this bill, we will close the loopholes in our existing sanction laws, and help the Administration convince the Russian government to act decisively to crack down on their cash-strapped institutes and firms.

Equally important, with this legislation we will give those Russian institutes and firms compelling reasons not to trade with Iran. The sanctions this legislation threatens to impose will force those firms to choose between short-term profits from dealing with Iran and potentially far more lucrative long-term economic relations with our own Nation. Under this legislation, firms that sell missile technology to Iran will be denied all arms export licenses, all dual use export licenses, and all U.S. foreign assistance for at least two years.

Now it is well-known that the Administration does not support this legislation. As is almost always the case, they would rather deal with proliferation to Iran through quiet diplomacy rather than through meaningful sanctions legislation.

To make certain that the President takes a careful look at this legislation, the amendment before us adds to our Iranian sanctions measure the text of S. 610, the "Chemical Weapons Convention Implementation Act of 1997", which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which was very controversial in the Senate, the implementing legislation is strongly supported all across the political spectrum, from the Administration to Senators

such as JON KYL and JESSE HELMS, who led the fight against the Chemical Weapons Convention.

There is one technical point with regard to the text of S. 610—now title II of H.R. 2709—that Chairman HYDE of our Judiciary Committee has asked me to make.

Section 603 of S. 610—which appears as section 273 of H.R. 2709—replaces the exceptions to the automatic stay in paragraphs (4) and (5) of 11 U.S.C. 362(b) with both a broader exemption for governmental units and explicit language embracing organizations exercising authority under the Chemical Weapons Convention. Although Members of this body were not involved in crafting this provision, we view it as important for the legislative history to emphasize that the new paragraph (4) relates only to enforcement of police and regulatory power—a term which cannot appropriately be given an expansive construction for purposes of interpreting the new Bankruptcy Code language. The automatic stay, for example, will continue to apply to the post-petition collection of pre-petition taxes because such collection efforts are not exercises of police and regulatory power within the meaning of new paragraph (4) of Bankruptcy Code section 362(b). The language of section 603 of S. 610—now section 273 of H.R. 2709—also explicitly excludes the enforcement of a money judgment—an exclusion designed to ensure that an exemption from the automatic stay cannot successfully be asserted for such an enforcement effort.

Because enactment of S. 610 is an Administration priority, and because it is something that we in the House will ultimately pass in any event, we have linked it to H.R. 2709 in hopes that the two measures can be enacted together.

Mr. Speaker, in the 1980s, the world stood by as Saddam Hussein built up his arsenal of weapons of mass destruction and the recent events in that country indicate that we have yet to identify and uncover a number of these weapons. We cannot afford to pay any less attention to Iran as it shows every indication that it is fully prepared to use its petrodollars to purchase weapons systems that will threaten its neighbors and endanger our forces throughout the Persian Gulf region.

Your support for this bill will help to ensure that Iran does not follow the example of its neighbor and become the next threat to international stability.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today after 5:00 p.m. on account of official business.

Mr. ROEMER (at the request of Mr. GEPHARDT) for today after 3:00 p.m. and the balance of the week on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 5:00 p.m. on account of personal business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's

table and, under the rule, referred as follows:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes; to the Committee on International Relations.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

H.J. Res. 91. Joint Resolution granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

H.J. Res. 92. Joint Resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 2813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

SINE DIE ADJOURNMENT

Mr. PEASE. Mr. Speaker, pursuant to Senate Concurrent Resolution 68, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with the provisions of Senate Concurrent Resolution 68, the Chair declares the 1st session of the 105th Congress adjourned sine die.

Thereupon (at 10 o'clock and 44 minutes p.m.), pursuant to House Concurrent Resolution 68, the House adjourned.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5913. A letter from the Assistant Secretary for Nuclear and Chemical and Biological Defense Programs, Department of Defense, transmitting the report on the Deep Digger program required by Senate Report 105-29; to the Committee on National Security.

5914. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

5915. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendment to Definition of Deposits in Banks or Trust Companies [No. 97-38] (RIN: 3069-AA63) received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5916. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting Final Interpretations and Waivers—National Center or Centers for Research in Vocational Education, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5917. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final interpretations and waivers—National Center or Centers for Research in Vocational Education, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5918. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final regulations—Standards for Conduct and Evaluation of Activities Carried out by the Office of Educational Research and Improvement: Designation of Exemplary and Promising Programs, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5919. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final eligibility and selection criteria—National Awards Program for Model Professional Development, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5920. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Prevailing Wage Policy for Nonagricultural Immigration Programs—received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5921. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification that no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary for the calendar year 1996, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Commerce.

5922. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL158a; FRL-5900-3] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5923. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Michigan [MI38-01-6734; FRL-5884-1] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5924. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation Request, Maintenance Plan and Mobile Emissions Budget for the Richmond Ozone Nonattainment Area [VA062-5030 and VA080-5030; FRL-5921-3] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5925. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Guideline for Procurement of Products Containing Recovered Materials [SWH-FRL-5909-6] (RIN: 2050-AE23) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5926. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 98-15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Ambassador Frank Wisner's report on the question of Russian-Iranian missile cooperation; to the Committee on International Relations.

5928. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes," pursuant to Public Law 103-236, section 527(f); to the Committee on International Relations.

5929. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Federal Open Market Committee; Rules Regarding Availability of Information [Docket No. R-0983] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5930. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 1997, and the semiannual management report on the status of audit followup for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5931. A letter from the the Chief Administrative Officer, the U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1997, through September 30, 1997 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105-170); to the Committee on House Oversight and ordered to be printed.

5932. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report with respect to

the "Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996," pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5933. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting the report on a hurricane and storm damage reduction project for the Lake Cataouatche area on the west bank of the Mississippi River in the vicinity of New Orleans, Louisiana, pursuant to Public Law 104-303, section 101(b)(11); (H. Doc. No. 105-171); to the Committee on Transportation and Infrastructure and ordered to be printed.

5934. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-87-AD; Amdt. 39-10193; AD 97-23-05] (RIN: 2120-AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5935. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-87-AD; Amdt. 39-10193; AD 97-23-05] (RIN: 2120-AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5936. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland DHC-6 Series Airplanes (Federal Aviation Administration) [Docket No. 91-CE-45-AD; Amdt. 39-10197; AD 97-23-09] (RIN: 2120-AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5937. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Colored Federal Airway Amber 15 (A-15); AK (Federal Aviation Administration) [Airspace Docket No. 96-AA1-14] (RIN: 2120-AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5938. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change Using Agency for Restricted Areas R-5107B and J, White Sands Missile Range, NM, and R-5111D, Elephant Butte, NM [Airspace Docket No. 97-ASW-15] (RIN: 2120-AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5939. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Crescent City, Imperial County and Red Bluff, CA (Federal Aviation Administration) [Airspace Docket No. 97-AWP-18] (RIN: 2120-AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5940. A letter from the Chairman, National Transportation Safety Board, transmitting the 1995 annual report of the Board's activities, pursuant to 49 U.S.C. 1904; to the Committee on Transportation and Infrastructure.

5941. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule—Certain Payments Made Pursuant to a Securities Lending Transaction [Notice 97-66] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5942. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to modify the marketing of certain silk products and containers; to the Committee on Ways and Means.

5943. A letter from the Secretary of Energy, transmitting notification that the Department of Energy requires an additional 45 days to transmit the Implementation Plan for addressing the issues described in the Defense Nuclear Facilities Safety Board's Recommendation 97-2 concerning criticality safety, pursuant to 42 U.S.C. 2286d(e); jointly to the Committees on National Security and Commerce.

5944. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; jointly to the Committees on Government Reform and Oversight and Ways and Means.

5945. A letter from the Deputy Administration, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program; Changes in Provider Agreement Regulations Related to Federal Employees Health Benefits [BPD-748-F] (RIN: 0938-AG03) received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS: Committee of Conference. Conference report on H.R. 2267. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-405). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 330. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-406). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. BERMAN, and Mr. DAVIS of Virginia):

H.R. 3037. A bill to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program; to the Committee on the Judiciary.

By Mr. BOYD:

H.R. 3038. A bill to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; to the Committee on Resources.

By Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, and Mr. FILNER):

H.R. 3039. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to guarantee loans to provide multifamily transitional housing for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARTON of Texas (for himself, Mr. BRADY, and Mr. HALL of Texas):

H.R. 3040. A bill to monitor and analyze energy use, and conduct continuous commissioning in Federal buildings to optimize building energy system; to the Committee on Commerce.

By Mr. DIAZ-BALART:

H.R. 3041. A bill to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act; to the Committee on the Judiciary.

By Mr. KOLBE (for himself and Mr. PASTOR):

H.R. 3042. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey:

H.R. 3043. A bill to amend section 485(f)(1)(F) of the Higher Education Act of 1965 to provide for the disclosure of all criminal incidents that manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; to the Committee on Education and the Workforce.

By Mr. MINGE:

H.R. 3044. A bill to amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business, and for other purposes; to the Committee on Ways and Means.

By Mr. KASICH (for himself, Mr. INGALLS of South Carolina, Mr. BOYD, Mr. GOSS, Mr. HOBSON, Mr. MILLER of Florida, Mr. HOEKSTRA, Mr. OBEY, and Mrs. THURMAN):

H.R. 3045. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOX of Pennsylvania (for himself, Mr. ABERCROMBIE, Mr. WELDON of Pennsylvania, Mr. RAMSTAD, Mr. SAXTON, Mr. GILMAN, Mr. KINGSTON, Mr. QUINN, Mr. SMITH of New Jersey, and Mr. BACHUS):

H.R. 3046. A bill to provide for financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

By Mr. BONILLA:

H.R. 3047. A bill to authorize expansion of Fort Davis National Historic Site in Fort

Davis, Texas, by 16 acres; to the Committee on Resources.

By Mr. BOUCHER (for himself and Mr. CAMPBELL):

H.R. 3048. A bill to update and preserve balance in the Copyright Act for the 21st Century; to advance educational opportunities through distance learning; to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. WATT of North Carolina, Mr. HASTINGS of Florida, Ms. BROWN of Florida, and Ms. WATERS):

H.R. 3049. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 3050. A bill to establish procedures and remedies for the prevention of fraudulent and deceptive practices in the solicitation of telephone service subscribers, and for other purposes; to the Committee on Commerce.

By Mr. CUMMINGS (for himself and Mr. WYNN):

H.R. 3051. A bill to designate the Department of Veterans Affairs Medical Center located at 10 North Greene Street in Baltimore, Maryland, as the "Parren J. Mitchell Veterans Medical Center"; to the Committee on Veterans' Affairs.

By Ms. ESHOO (for herself and Mr. FALLONE):

H.R. 3052. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Commerce.

By Mr. FATTAH (for himself, Mr. DAVIS of Illinois, Ms. JACKSON-LEE, Mr. THOMPSON, Mr. REYES, and Mr. BISHOP):

H.R. 3053. A bill to provide for the transition for new Members of the House of Representatives; to the Committee on House Oversight.

By Mr. GUTIERREZ (for himself, Mr. BECERRA, Mrs. MEEK of Florida, Mr. HINOJOSA, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, and Ms. WATERS):

H.R. 3054. A bill to adjust the immigration status of certain nationals of El Salvador, Guatemala, and Haiti, to amend the Immigration and Nationality Act to eliminate the special rule relating to termination of the period of continuous physical presence for cancellation of removal, and for other purposes; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3055. A bill to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself, Mr. SMITH of Oregon, and Mr. YOUNG of Alaska):

H.R. 3056. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Indian Irrigation Project, Montana; to the Committee on Resources.

By Mr. HILL:

H.R. 3057. A bill to authorize an exchange of lands among the Secretary of Agriculture, Secretary of the Interior, and the Big Sky Lumber Company; to the Committee on Resources.

By Ms. JACKSON-LEE (for herself, Mr. PALLONE, Mrs. MEEK of Florida, Mrs. THURMAN, Ms. MCCARTHY of Missouri, Mr. CRAMER, Ms. FURSE, Mrs. MINK of Hawaii, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. HOOLEY of Oregon, Mr. WYNN, Mr. KILDEE, Ms. ROS-LEHTINEN, Ms. VELÁZQUEZ, Mrs. CLAYTON, Mr. WEYGAND, Mr. HAMILTON, Mr. TIERNEY, Mr. ALLEN, Mr. DIAZ-BALART, Mr. RODRIGUEZ, Mr. REYES, Mr. HINOJOSA, Mr. LAMPSON, Mr. GEJDENSON, Mr. BROWN of California, Mrs. MORELLA, Mr. QUINN, Mr. CAMPBELL, Mr. BRADY, Ms. GRANGER, Mr. PASCRELL, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mr. CLAY, Mr. POSHARD, Mr. COSTELLO, Mr. ORTIZ, and Mr. POMEROY):

H.R. 3058. A bill to require the Secretary of Education to conduct a study and submit a report to the Congress on methods for identifying and treating children with dyslexia in kindergarten through 3d grade; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. ROMERO-BARCELO, Mr. REYES, Mr. SANDLIN, Mr. LAMPSON, Mr. CUMMINGS, and Ms. KILPATRICK):

H.R. 3059. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty, to establish a commission to simplify the tax code, to require the Internal Revenue Service to use alternative dispute resolution, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. BARRETT of Wisconsin, Mr. CLAY, Mr. EVANS, Mr. FILNER, Mr. GUTIERREZ, Mr. HINCHEY, Mr. OLVER, Mr. PALLONE, Mr. RUSH, Mr. SCHUMER, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Ms. WATERS, and Mr. WATTS of Oklahoma):

H.R. 3060. A bill to amend the Consumer Credit Protection Act to protect consumers from inadequate disclosures and certain abusive practices in rent-to-own transactions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. KLINK (for himself and Mr. TRAFICANT):

H.R. 3061. A bill to prohibit the use of stale cohort default data in the termination of student assistance eligibility for institutions of higher education; to the Committee on Education and the Workforce.

By Mr. KLINK (for himself, Mr. McHALE, Mr. ENGLISH of Pennsylvania, Mr. MASCARA, and Mr. DOYLE):

H.R. 3062. A bill to require the provision of information sufficient for homebuyers and homeowners to insure themselves against loss from subsidence resulting from underground coal or clay mines; to the Committee on Banking and Financial Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARGENT (for himself and Mr. KASICH):

H.R. 3063. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. LIPINSKI:

H.R. 3064. A bill to direct the Administrator of the Federal Aviation Administration to issue regulations to limit the number of pieces of carry-on baggage that a passenger may bring on an airplane to 1 piece of carry-on baggage per passenger; to the Committee on Transportation and Infrastructure.

By Ms. LOFGREN:

H.R. 3065. A bill to direct the Administrator of the Environmental Protection Agency to design and implement a performance-based measurement system to encourage the development of new environmental monitoring technologies; to the Committee on Science, and in addition to the Committees on Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 3066. A bill to amend the Truth in Lending Act to require 90 days notice before changing the annual percentage rate of interest applicable on any credit card account or before changing the index used to determine such rate, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MALONEY of New York:

H.R. 3067. A bill to provide that Federal Reserve Banks be covered under the chapter 71 of title 5, United States Code, relating to labor-management relations; to the Committee on Government Reform and Oversight.

By Ms. MCKINNEY (for herself, Mr. CLYBURN, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON, and Mrs. CLAYTON):

H.R. 3068. A bill to provide that a State may use a proportional voting system for multi-seat congressional districts; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 3069. A bill to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council; to the Committee on Resources.

By Mr. PALLONE (for himself, Mr. BROWN of Ohio, Mr. STUPAK, Ms. ESHOO, and Ms. DELAURO):

H.R. 3070. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE (for himself, Ms. JACKSON-LEE, Ms. MILLENDER-MCDONALD, Ms. NORTON, and Mr. PASCRELL):

H.R. 3071. A bill to amend title 23, United States Code, to provide for the enactment of State laws prohibiting children under 13 years of age from riding in the front seats of motor vehicles; to the Committee on Transportation and Infrastructure.

By Ms. PELOSI (for herself, Mr. GEPHARDT, Mrs. MORELLA, Mr. CUMMINGS, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BONIOR, Ms. DELAURO, Mr. ENGEL, Ms. ESHOO, Mr. FARR of California, Mr. FRAZIO of California, Mr. FILNER, Mr. FROST, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LANTOS, Mr. McDERMOTT,

Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. PAYNE, Ms. SANCHEZ, Mr. TOWNS, Ms. WATERS, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, and Ms. JACKSON-LEE):

H.R. 3072. A bill to amend title XIX of the Social Security Act and title XXVI of the Public Health Service Act with respect to treatments regarding infection with the virus commonly known as HIV; to the Committee on Commerce.

By Mr. RIGGS (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. FARR of California, Mr. FILNER, Ms. HARMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. HORN, Mr. LOBIONDO, Mr. McDERMOTT, Mr. GILCHREST, Mr. KLUG, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. COX of California, Mr. HASTINGS of Washington, Mr. DEFazio, Mr. SHERMAN, Ms. WOOLSEY, Mr. CAMPBELL, Mr. BONO, and Mr. CONDIT):

H.R. 3073. A bill to prohibit certain oil and gas leasing activities on portions of the Outer Continental Shelf, consistent with the President's Outer Continental Shelf moratorium statement of June 26, 1990; to the Committee on Resources.

By Mr. RIGGS (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. FARR of California, Mr. FILNER, Ms. HARMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. HORN, Mr. LOBIONDO, Mr. McDERMOTT, Mr. GILCHREST, Mr. KLUG, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. SHERMAN, Ms. WOOLSEY, Mr. CAMPBELL, Mr. BONO, and Mr. PALLONE):

H.R. 3074. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf; to the Committee on Resources.

By Mr. ROGAN:

H.R. 3075. A bill to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed; to the Committee on the Judiciary.

By Mr. SANDLIN:

H.R. 3076. A bill to amend the Internal Revenue Code of 1986 to repeal estate, gift, and generation-skipping transfer taxes; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 3077. A bill to amend title II of the Social Security Act to eliminate the provision that reduces primary insurance amounts for individuals receiving pensions from non-covered employment; to the Committee on Ways and Means.

By Mr. SANFORD:

H.R. 3078. A bill to provide for an accurate disclosure on individual pay checks of payments made under the Federal Insurance Contributions Act; to the Committee on Ways and Means.

By Mr. SEXTON:

H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to remove the requirement of a mandatory beginning date for distributions from individual retirement accounts; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3080. A bill to waive the determination of the President that Lebanon and Syria

are not major drug-transit or major illicit drug producing countries under the Foreign Assistance Act of 1961, and for other purposes; to the Committee on International Relations.

By Mr. SCHUMER (for himself, Mr. CONYERS, Mrs. MORELLA, Mr. MCCOLLUM, Mr. GEPHARDT, Mr. WAXMAN, Mr. CLEMENT, Mr. NADLER, Mr. HINCHAY, Mr. LEVIN, Mr. FORD, Mr. MEEHAN, Mr. DELLUMS, Mr. ENGEL, Mr. LEWIS of Georgia, Mr. LANTOS, Mr. OLIVER, Mrs. LOWEY, Mr. ROMERO-BARCELO, Ms. CARSON, Mr. PALLONE, Mrs. KENNELLY of Connecticut, Mr. FILNER, Mr. REYES, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, and Mrs. MCCARTHY of New York):

H.R. 3081. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself, Mr. PORTER, Mr. CAMPBELL, Mr. KNOLLENBERG, Mr. HOUGHTON, and Mr. SANFORD):

H.R. 3082. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively for personalized retirement security through personal retirement savings accounts to allow for more control by individuals over their Social Security retirement income, and to provide other reforms relating to benefits under such title II; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 3083. A bill to suspend temporarily the duty on Grilamid TR90; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 3084. A bill to amend title 10, United States Code, to strengthen the limitations on participation of the Armed Forces in foreign airshows or trade exhibitions involving military equipment; to the Committee on National Security.

By Ms. WOOLSEY:

H.R. 3085. A bill to amend the Higher Education Act of 1965 to authorize a program to provide grants to postsecondary education institutions for the purpose of creating partnerships between post-secondary institutions and elementary or secondary schools to instruct prospective teachers and classroom teachers; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. KILDEE, Mr. MILLER of California, Mr. MARTINEZ, Mr. PAYNE, Ms. SANCHEZ, and Mr. CLAY):

H.R. 3086. A bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools, and to provide greater access to snacks in school-based childcare programs; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 3087. A bill to require the Secretary of Agriculture to grant an easement to Chugach Alaska Corporation; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 3088. A bill to amend the Alaska Native Claims Settlement Act, regarding Huna Totem Corporation public interest land ex-

change, and for other purposes; to the Committee on Resources.

By Mr. LIVINGSTON:

H.J. Res. 106. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations.

By Mr. BLILEY:

H. Con. Res. 196. Concurrent resolution to correct the enrollment of the bill S. 830; considered under suspension of the rules and agreed to.

By Mr. SOLOMON (for himself, Mr. MCHALE, Mr. GINGRICH, Mr. ARMEY, Mr. BUNNING of Kentucky, Mr. BUYER, Mr. COX of California, Mr. DREIER, Mr. GILCHREST, Mr. HASTINGS of Washington, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mr. KINGSTON, Mr. LAHOOD, Mr. LIVINGSTON, Mr. METCALF, Mrs. MYRICK, Mr. PACKARD, Ms. ROS-LEHTINEN, Mr. SCARBOROUGH, Mr. STUMP, Mr. TAYLOR of North Carolina, and Mr. WELDON of Pennsylvania):

H. Con. Res. 197. Concurrent resolution calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs; to the Committee on National Security.

By Mr. CASTLE:

H. Con. Res. 198. Concurrent resolution to correct a technical error in the enrollment of the bill S. 1026; to the Committee on House Oversight.

By Mr. BRADY (for himself and Mr. TRAFICANT):

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress with respect to United States assistance or support for the investigation on capital punishment in the United States by the United Nations Human Rights Commission; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY (for himself, Mr. BOYD, Mr. MANTON, Mr. FRANK of Massachusetts, Mr. GIBBONS, Mr. COOKSEY, Mr. GEKAS, Mr. JOHNSON of Wisconsin, Mr. ROMERO-BARCELO, Mr. CRAMER, Mr. REYES, Mr. VISCLOSKEY, Ms. CARSON, Mr. KIND of Wisconsin, Mr. GORDON, Mr. BARRETT of Wisconsin, Mr. McNULTY, Ms. SANCHEZ, Mr. BISHOP, Ms. KAPTUR, Mr. FRELINGHUYSEN, and Mr. BILIRAKIS):

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress that a series of postage stamps should be issued in recognition of the recipients of the Congressional Medal of Honor; to the Committee on Government Reform and Oversight.

By Mr. SHAW:

H. Res. 327. A resolution providing for the consideration of the bill H.R. 867 and the Senate amendment thereto; considered and agreed to.

By Mr. FAZIO of California:

H. Res. 328. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. LAZIO of New York:

H. Res. 329. A resolution providing for the concurrence by the House with an amendment to the Senate amendment to the House amendments to S. 562; considered under suspension of the rules and adopted.

By Mr. ARMEY:

H. Res. 331. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BLAGOJEVICH (for himself and Mr. HAMILTON):

H. Res. 332. A resolution expressing concern for the plight of Assyrians in the Near East; to the Committee on International Relations.

By Mr. GEPHARDT (for himself, Mr. ENGEL, and Mr. PASCRELL):

H. Res. 333. A resolution expressing the sense of Congress that the United States should support Italy's inclusion as a permanent member of the United Nations Security Council if there is to be an expansion of this important international body; to the Committee on International Relations.

By Mr. SANDERS:

H. Res. 334. A resolution directing the Secretary of the Treasury to produce all factual information pertaining to the actions taken by the Secretary of the Treasury and the United States Executive Directors at the international financial institutions to comply with the requirements of 1621 of the International Financial Institutions Act, relating to encouragement of fair labor practices; to the Committee on Banking and Financial Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

231. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Joint Resolution No. 12 urging the passage of federal legislation which extends the boundaries of the Illinois and Michigan Canal National Heritage Corridor from Harlem Avenue to Lake Michigan; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. KENNEDY of Massachusetts.
H.R. 26: Mr. BRADY.
H.R. 45: Mr. HALL of Texas.
H.R. 51: Mr. JONES.
H.R. 59: Mr. CAMPBELL, Mr. STENHOLM, Mr. GOODE, Mr. DEAL of Georgia, Mr. BRYANT, and Mr. SMITH of Michigan.
H.R. 80: Mrs. TAUSCHER.
H.R. 135: Mr. ADAM SMITH of Washington.
H.R. 146: Mr. HALL of Texas.
H.R. 165: Mr. JONES.
H.R. 192: Mrs. TAUSCHER.
H.R. 251: Mr. GOODLING.
H.R. 371: Mr. WATTS of Oklahoma.
H.R. 372: Mr. GEJDENSON, Mr. THOMPSON, and Mr. PAYNE.
H.R. 414: Mrs. TAUSCHER.
H.R. 543: Mr. BISHOP.
H.R. 590: Mr. LUTHER.
H.R. 594: Mr. DEUTSCH and Mr. METCALF.
H.R. 612: Ms. SANCHEZ and Ms. DANNER.
H.R. 616: Mr. THOMPSON.
H.R. 617: Mr. CLEMENT.
H.R. 637: Mr. PAPPAS.
H.R. 705: Mr. GOODE.
H.R. 738: Mrs. LOWEY and Mr. ENGEL.
H.R. 746: Mr. LIPINSKI.
H.R. 758: Mr. SUNUNU.
H.R. 773: Mr. GUTIERREZ.
H.R. 815: Ms. MCCARTHY of Missouri.

- H.R. 871: Mr. COYNE.
H.R. 900: Ms. STABENOW.
H.R. 902: Mr. WAMP, Mr. JENKINS, Mr. TIAHRT, and Mr. GEKAS.
H.R. 915: Mr. POSHARD.
H.R. 925: Ms. HOOLEY of Oregon and Mrs. TAUSCHER.
H.R. 983: Mr. ENGEL.
H.R. 991: Ms. HOOLEY of Oregon.
H.R. 1010: Mr. POMBO and Mr. CAMP.
H.R. 1036: Mr. WATTS of Oklahoma.
H.R. 1054: Ms. HARMAN and Mr. METCALF.
H.R. 1059: Mrs. KELLY.
H.R. 1060: Mr. CLYBURN.
H.R. 1061: Mr. WOLF.
H.R. 1062: Mr. KASICH and Mr. ARMEY.
H.R. 1063: Mr. DUNCAN and Mr. JOHNSON of Wisconsin.
H.R. 1104: Mr. MEEHAN.
H.R. 1114: Mr. POMEROY, Mr. PALLONE, Mr. MORAN of Kansas, and Mr. MICA.
H.R. 1126: Mr. GOSS, Mr. MCINTOSH, Ms. BROWN of Florida, Mr. GILMAN, and Mr. SPRATT.
H.R. 1132: Mr. MALONEY of Connecticut.
H.R. 1151: Mr. ORTIZ.
H.R. 1173: Mr. OWENS, Mr. HINOJOSA, Mrs. MINK of Hawaii, and Mr. WELDON of Pennsylvania.
H.R. 1232: Mr. MALONEY of Connecticut.
H.R. 1237: Mr. STOKES.
H.R. 1261: Mr. BARRETT of Nebraska and Mr. MORAN of Kansas.
H.R. 1280: Mr. QUINN.
H.R. 1283: Mr. FRELINGHUYSEN and Ms. HOOLEY of Oregon.
H.R. 1322: Mr. NEAL of Massachusetts and Mr. CALVERT.
H.R. 1334: Mr. LEWIS of Georgia, Mr. FORBES, Mr. ACKERMAN, Ms. WATERS, Mr. CONYERS, Mr. FRANK of Massachusetts, and Mr. CAMPBELL.
H.R. 1356: Mr. DUNCAN.
H.R. 1375: Mrs. MCCARTHY of New York.
H.R. 1378: Mr. ROGAN.
H.R. 1415: Mr. GUTIERREZ, Mr. TORRES, Mr. BORSKI, Mr. WELDON of Pennsylvania, Mr. TIAHRT, Mr. YATES, and Ms. LOFGREN.
H.R. 1425: Mr. ACKERMAN.
H.R. 1507: Mr. LAMPSON and Mr. PAYNE.
H.R. 1521: Ms. HARMAN.
H.R. 1524: Mr. ENGEL.
H.R. 1531: Mr. PALLONE.
H.R. 1555: Mr. GUTIERREZ.
H.R. 1560: Mr. PAPPAS and Ms. HOOLEY of Oregon.
H.R. 1573: Mrs. MORELLA, Ms. DELAURO, Mr. FOLEY, Ms. KILPATRICK, and Mrs. THURMAN.
H.R. 1608: Mr. SNYDER and Ms. HOOLEY of Oregon.
H.R. 1636: Mr. COSTELLO.
H.R. 1679: Mr. DELAHUNT.
H.R. 1689: Mr. BISHOP, Mr. VENTO, Mr. FRANKS of New Jersey, Ms. SLAUGHTER, and Mr. HERGER.
H.R. 1711: Mr. ORTIZ.
H.R. 1715: Mr. GOODLING.
H.R. 1736: Ms. SLAUGHTER and Mr. SHAYS.
H.R. 1742: Mr. BEREUTER.
H.R. 1749: Ms. KAPTUR.
H.R. 1761: Mr. MALONEY of Connecticut, Mr. BOYD, Mrs. MEEK of Florida, and Mr. MCINTYRE.
H.R. 1766: Mr. SMITH of New Jersey.
H.R. 1776: Mr. ENGEL.
H.R. 1786: Mr. FATTAH, Mr. CONYERS, Mr. COYNE, Mr. TALENT, Mr. BERMAN, Mr. RUSH, Ms. ESHOO, Mr. TORRES, Mrs. MORELLA, Mr. OWENS, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Mr. WAXMAN, Ms. RIVERS, Ms. FURSE, and Mr. SANDERS.
H.R. 1788: Mr. ROTHMAN.
H.R. 1802: Mr. HASTINGS of Washington and Mr. HERGER.
H.R. 1807: Ms. FURSE, Ms. WOOLSEY, and Mr. DOYLE.
H.R. 1822: Mr. MARTINEZ.
H.R. 1864: Mrs. TAUSCHER.
H.R. 1870: Mr. POSHARD, Ms. SANCHEZ, and Ms. HOOLEY of Oregon.
H.R. 1872: Mr. CRAPO, Mr. MANTON, Mr. SHIMKUS, Mr. PICKERING, Mr. MCINTOSH, Mrs. THURMAN, Ms. DELAURO, Mr. MCDERMOTT, Mr. LATOURETTE, and Mr. FRELINGHUYSEN.
H.R. 1891: Mr. TANNER.
H.R. 1984: Mr. PEASE.
H.R. 1987: Mrs. KENNELLY of Connecticut and Mr. THOMPSON.
H.R. 2004: Mr. MCGOVERN and Mr. SPRATT.
H.R. 2009: Mr. LAMPSON, Mrs. MCCARTHY of New York, Mr. TORRES, and Mr. KENNEDY of Rhode Island.
H.R. 2019: Mr. TIAHRT.
H.R. 2034: Mr. WATKINS.
H.R. 2088: Ms. FURSE.
H.R. 2090: Mr. CAMPBELL.
H.R. 2094: Mr. SAXTON and Mr. GILCREST.
H.R. 2130: Mr. NADLER, Mrs. TAUSCHER, and Mr. MORAN of Virginia.
H.R. 2182: Mr. PRICE of North Carolina.
H.R. 2183: Mr. BARRETT of Wisconsin and Mr. GILCREST.
H.R. 2186: Mr. CRAPO.
H.R. 2191: Mr. BARCIA of Michigan and Mr. CALVERT.
H.R. 2202: Mr. ENSIGN and Mr. DAVIS of Virginia.
H.R. 2211: Mr. MARTINEZ and Mr. ENGEL.
H.R. 2224: Mr. ENGEL.
H.R. 2228: Ms. SANCHEZ.
H.R. 2231: Mr. MCCRERY and Mr. HOEKSTRA.
H.R. 2275: Mr. THOMPSON.
H.R. 2290: Mr. ANDREWS, Mr. FORD, and Ms. KILPATRICK.
H.R. 2313: Mr. SANFORD.
H.R. 2321: Mr. TALENT and Mr. BARR of Georgia.
H.R. 2327: Mr. LIVINGSTON, Mr. TURNER, and Mr. LATOURETTE.
H.R. 2351: Mrs. JOHNSON of Connecticut and Mr. ACKERMAN.
H.R. 2365: Mrs. LOWEY, Mr. SCHUMER, and Mr. SERRANO.
H.R. 2374: Mrs. MCCARTHY of New York.
H.R. 2377: Mr. CRAMER and Mr. KIND of Wisconsin.
H.R. 2396: Mr. PETRI and Ms. PELOSI.
H.R. 2397: Mr. STUPAK.
H.R. 2408: Mr. MCGOVERN and Mr. ENGEL.
H.R. 2431: Mr. POSHARD.
H.R. 2432: Mr. RAHALL.
H.R. 2438: Mr. ARMEY, Mr. SMITH of Oregon, Mr. DUNCAN, Mr. SHADEGG, and Mr. SENSENBRENNER.
H.R. 2450: Mr. LUTHER.
H.R. 2453: Mr. MORAN of Virginia.
H.R. 2454: Mr. MASCARA.
H.R. 2456: Mr. SANDLIN.
H.R. 2457: Mr. MASCARA.
H.R. 2459: Mr. SENSENBRENNER.
H.R. 2468: Mr. DEFazio, Mr. STOKES, Mr. HOLDEN, Mr. PAYNE, Mr. SANDERS, Mr. THOMPSON, and Mr. WYNN.
H.R. 2481: Mrs. CHENOWETH.
H.R. 2490: Mr. BARR of Georgia, Mr. CANNON, Mr. CHABOT, Mrs. EMERSON, Mr. GOODLING, and Mr. SCHIFF.
H.R. 2495: Ms. NORTON.
H.R. 2497: Mr. JONES, Mr. ENGLISH of Pennsylvania, Mr. COOK, Mr. REDMOND, Mr. ROEMER, and Mr. SMITH of Texas.
H.R. 2499: Mr. BISHOP and Mr. CANNON.
H.R. 2500: Mr. PETERSON of Pennsylvania, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. TURNER, Mr. POMBO, Mr. PICKERING, Mr. WICKER, Mr. BILBRAY, Mr. LATHAM, Mr. GALLEGLY, Mr. PEASE, Mr. LAMPSON, Mr. WYNN, Mr. SHAW, Mr. BLUMENAUER, Ms. DANNER, Mr. ENGLISH of Pennsylvania, Mr. MICA, Mr. HERGER, and Mr. WAMP.
H.R. 2503: Mr. DEUTSCH.
H.R. 2509: Mr. COYNE, Mr. TRAFICANT, and Mr. BISHOP.
H.R. 2517: Mr. GIBBONS, Mr. NORWOOD, Mr. FRANKS of New Jersey, Mr. DUNCAN, Mr. ENSIGN, Mr. GOODE, Mr. COBLE, Mr. REDMOND, Mrs. MYRICK, Mr. SCHUMER, Mr. BOB SCHAFER, Mr. SCHIFF, and Mr. SHAYS.
H.R. 2519: Ms. MCCARTHY of Missouri.
H.R. 2525: Mr. OWENS, Ms. KILPATRICK, Mr. LEWIS of Georgia, and Ms. LOFGREN.
H.R. 2540: Mrs. MALONEY of New York.
H.R. 2545: Mr. GEJDENSON, Mrs. MEEK of Florida, Mr. STRICKLAND, Mr. HAYWORTH, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Mr. TORRES, and Mr. BARTLETT of Maryland.
H.R. 2565: Mr. BLILEY.
H.R. 2566: Mr. ENGEL.
H.R. 2568: Mr. FOLEY.
H.R. 2590: Mr. ROTHMAN.
H.R. 2593: Mr. SANDLIN, Mr. DAVIS of Illinois, Mr. COBURN, Mr. SPENCE, Mr. WEYGAND, Mr. COOK, and Mr. CHABOT.
H.R. 2596: Mr. BEREUTER, Mr. LUTHER, Mr. BARCIA of Michigan, and Mr. THOMPSON.
H.R. 2609: Mr. TAUZIN, Mr. THOMPSON, and Mr. RIGGS.
H.R. 2611: Mr. SHAW, Mr. HALL of Texas, Mr. RADANOVICH, Mr. PORTER, and Mr. PAPPAS.
H.R. 2625: Mr. CALLAHAN, Mr. ROHR-ABACHER, and Mr. MICA.
H.R. 2627: Mr. PICKETT, Mr. INGLIS of South Carolina, Mr. BARTLETT of Maryland, Mr. METCALF, and Mrs. FOWLER.
H.R. 2635: Mr. COSTELLO.
H.R. 2649: Ms. SLAUGHTER and Mrs. ROUKEMA.
H.R. 2650: Mr. ACKERMAN, Mr. KLINK, and Mrs. ROUKEMA.
H.R. 2671: Mr. THOMPSON.
H.R. 2678: Mr. PORTER.
H.R. 2693: Mr. BISHOP, Mr. THOMPSON, and Mr. ENGEL.
H.R. 2695: Mr. LEWIS of Georgia, Ms. HOOLEY of Oregon, and Mr. MARTINEZ.
H.R. 2704: Mr. ACKERMAN and Mr. WAXMAN.
H.R. 2713: Mrs. MALONEY of New York.
H.R. 2723: Mr. NEY.
H.R. 2733: Mr. DEUTSCH and Mr. ACKERMAN.
H.R. 2734: Mr. CRAPO and Mr. CRANE.
H.R. 2750: Mr. GOODLING.
H.R. 2755: Ms. NORTON and Mr. THOMPSON.
H.R. 2757: Mr. KIND of Wisconsin, Mr. KENNEDY of Rhode Island, Mr. LAMPSON, and Mr. GUTIERREZ.
H.R. 2760: Mr. SMITH of Oregon and Mr. MARTINEZ.
H.R. 2761: Mr. WAXMAN.
H.R. 2774: Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BOEHLERT, Mr. CLAY, Mr. CONYERS, Mr. ENGEL, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. RANGEL, and Mrs. ROUKEMA.
H.R. 2777: Mrs. LOWEY.
H.R. 2779: Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. THOMPSON, and Ms. WOOLSEY.
H.R. 2786: Mr. BOB SCHAFER.
H.R. 2796: Mr. HOSTETTLER, Mr. CUNNINGHAM, Mr. TAYLOR of North Carolina, Ms. CHRISTIAN-GREEN, and Mr. STUPAK.
H.R. 2797: Mr. FROST.
H.R. 2807: Mr. GALLEGLY.
H.R. 2818: Mr. VENTO.
H.R. 2820: Mr. ACKERMAN, Mr. SCHUMER, Ms. FURSE, Mr. THOMPSON, Mr. GREEN, Ms. SLAUGHTER, Mr. FROST, Mr. WEXLER, and Mr. HOLDEN.

H.R. 2826: Mr. THOMPSON and Mr. FORD.
 H.R. 2827: Mr. BOB SCHAFFER.
 H.R. 2828: Ms. KILPATRICK and Ms. KAPTUR.
 H.R. 2829: Mr. BARCIA of Michigan, Mr. BENTSEN, Mr. BLILEY, Mr. COBURN, Mr. CONYERS, Mr. DELAHUNT, Mr. DELLUMS, Mr. FRELINGHUYSEN, Mr. GOODE, Ms. GRANGER, Mr. HAYWORTH, Mr. HEFNER, Mr. HOBSON, Ms. HOOLEY of Oregon, Ms. KAPTUR, Mrs. KENNEDY of Connecticut, Mr. LEVIN, Mrs. MALONEY of New York, Mr. MARKEY, Mr. McDERMOTT, Ms. MILLENDER-MCDONALD, Mr. NADLER, Mr. OWENS, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. RAHALL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SPRATT, Mr. WELDON of Pennsylvania, Mr. WISE, Mr. WYNN, Mr. KANJORSKI, and Mr. LEWIS of Georgia.
 H.R. 2846: Mr. ISTOOK, Mr. ENSIGN, Mr. DICKEY, Mr. BACHUS, Mrs. CUBIN, Mr. HUTCHINSON, Mr. BOEHNER, Mr. CANADY of Florida, Mr. RIGGS, Mr. TALENT, Mr. HOEKSTRA, Mr. PETERSON of Pennsylvania, Mr. WELDON of Florida, Mr. MCINTOSH, and Mr. OWENS.
 H.R. 2850: Mrs. THURMAN, Mr. SCHUMER, Mrs. MINK of Hawaii, Ms. FURSE, Mr. DEUTSCH, Ms. WOOLSEY, and Mrs. MALONEY of New York.
 H.R. 2854: Mr. STARK, Mr. CLEMENT, Mr. MASCARA, and Mr. BOEHLERT.
 H.R. 2864: Mr. PETERSON of Pennsylvania.
 H.R. 2869: Mr. PETERSON of Pennsylvania.
 H.R. 2870: Mr. HASTERT and Mrs. MALONEY of New York.
 H.R. 2871: Mr. PETERSON of Pennsylvania.
 H.R. 2873: Mr. PETERSON of Pennsylvania.
 H.R. 2875: Mr. PETERSON of Pennsylvania.
 H.R. 2877: Mr. PETERSON of Pennsylvania.
 H.R. 2879: Mr. PETERSON of Pennsylvania.
 H.R. 2881: Mr. PETERSON of Pennsylvania.
 H.R. 2892: Mr. WALSH, Mr. BISHOP, Mr. SOUDER, and Mr. WOLF.
 H.R. 2900: Ms. DEGETTE, Mr. ACKERMAN, and Ms. KILPATRICK.
 H.R. 2905: Mr. FROST and Mr. PASCRELL.
 H.R. 2912: Mr. TANNER, Mr. VISCLOSKEY, and Mr. NEY.
 H.R. 2921: Mr. BOEHNER, Mr. BOSWELL, Mr. DEFazio, Mr. PETRI, Mr. NUSSLE, Mr. BALLENGER, Mr. LATHAM, Mr. JONES, Mr. THORNBERRY, Ms. DANNER, Mr. CRAPO, Mr. LARGENT, Mr. CLYBURN, Mr. LATOURETTE, Mr. BERREUTER, and Mr. DICKEY.
 H.R. 2922: Mrs. THURMAN, Mr. HUNTER, and Mr. LATOURETTE.
 H.R. 2930: Mr. SPRATT, Mr. DAVIS of Illinois, Mr. EVERETT, Mr. KILDEE, Mr. TANNER, Mr. WATT of North Carolina, Mr. PRICE of North Carolina, Ms. VELÁZQUEZ, Mr. MICA, and Mrs. MEEK of Florida.
 H.R. 2936: Mr. LAHOOD.
 H.R. 2938: Mr. CANADY of Florida, Mr. WEXLER, and Mr. WELDON of Florida.
 H.R. 2939: Mr. PEASE and Mr. CAMPBELL.
 H.R. 2942: Mr. BACHUS, Mrs. EMERSON, Mr. LATOURETTE, and Mr. MORAN of Kansas.
 H.R. 2943: Mr. CANADY of Florida.
 H.R. 2953: Mr. THOMPSON.
 H.R. 2955: Mr. LEVIN.
 H.R. 2960: Mr. SANDLIN, Mr. HALL of Texas, and Mr. THOMPSON.
 H.R. 2973: Mrs. THURMAN and Mr. STENHOLM.
 H.R. 2985: Mr. SENSENBRENNER and Mrs. THURMAN.
 H.R. 2990: Mrs. MINK of Hawaii, Ms. SLAUGHTER, Mr. BURR of North Carolina, Mrs. LOWEY, Mr. PRICE of North Carolina, Mr. PASTOR, Mr. CLAY, and Mr. ENGEL.
 H.R. 2992: Mr. HAYWORTH.
 H.R. 3000: Mr. LIVINGSTON, Ms. DANNER, Mr. MANZULLO, and Mr. TANNER.
 H.R. 3005: Mr. FILNER, Mr. FROST, Mr. SHAYS, and Mr. THOMPSON.

H.R. 3010: Mr. PORTER.
 H.R. 3026: Mr. LOBIONDO.
 H.R. 3027: Mr. PALLONE, Mrs. LOWEY, Mr. STARK, Mr. ACKERMAN, Ms. PELOSI, Ms. DEGETTE, Mr. MILLER of California, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, Mr. SERRANO, Mr. STOKES, Ms. NORTON, Mr. RUSH, Mr. DELAHUNT, Mr. MATSUI, Mr. YATES, Ms. WATERS, Mr. WEYGAND, Mr. KENNEDY of Massachusetts, and Mrs. MALONEY of New York.
 H.R. 3028: Mr. KENNEDY of Massachusetts and Mrs. MALONEY of New York.
 H.J. Res. 66: Mr. TORRES.
 H.J. Res. 71: Mr. NEAL of Massachusetts and Mr. CALVERT.
 H.J. Res. 78: Mr. PETERSON of Minnesota.
 H.J. Res. 89: Ms. HOOLEY of Oregon.
 H.J. 100: Mr. OLVER.
 H.J. Res. 102: Mr. WAXMAN and Mr. DEUTSCH.
 H. Con. Res. 19: Mr. CALVERT and Mr. YATES.
 H. Con. Res. 27: Ms. CARSON, Mr. HILLIARD, and Mr. LANTOS.
 H. Con. Res. 65: Mr. WHITE.
 H. Con. Res. 106: Ms. NORTON.
 H. Con. Res. 135: Mr. ENGEL.
 H. Con. Res. 148: Mr. CALVERT.
 H. Con. Res. 150: Mr. HILL.
 H. Con. Res. 152: Mr. POSHARD.
 H. Con. Res. 160: Mr. BLUMENAUER.
 H. Con. Res. 174: Ms. SLAUGHTER.
 H. Con. Res. 176: Mr. PORTER.
 H. Con. Res. 181: Mr. ROTHMAN, Mr. DEUTSCH, Ms. HOOLEY of Oregon, Mr. HINCHEY, Mr. SCHUMER, and Ms. SLAUGHTER.
 H. Con. Res. 182: Ms. SLAUGHTER.
 H. Con. Res. 185: Mr. LEWIS of Georgia, Mr. GILMAN, Mr. FRANK of Massachusetts, Mr. SERRANO, Ms. SLAUGHTER, Mr. KING of New York, Mr. MINGE, Mr. HINCHEY, Mrs. MORELLA, Mr. OBERSTAR, Mr. MCGOVERN, and Mr. TIERNEY.
 H. Con. Res. 187: Ms. STABENOW, Ms. LOPGREN, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Mr. DELAY.
 H. Con. Res. 188: Mr. LEVIN.
 H. Res. 37: Mrs. THURMAN, Mr. EVERETT, Mr. CANNON, and Ms. KAPTUR.
 H. Res. 45: Mr. MALONEY of Connecticut.
 H. Res. 83: Mr. KENNEDY of Massachusetts.
 H. Res. 144: Mr. POMEROY, Mr. PAPPAS, and Ms. HOOLEY of Oregon.
 H. Res. 211: Mr. EWING, Mr. HILLEARY, and Mr. KLECZKA.
 H. Res. 212: Mr. BURR of North Carolina, Mr. BAESLER, and Mr. GILCREST.
 H. Res. 224: Ms. STABENOW and Mr. STUPAK.
 H. Res. 231: Mr. KENNEDY of Massachusetts.
 H. Res. 246: Mr. DOYLE, Mr. TALENT, Mr. MARKEY, and Mr. LAZIO of New York.
 H. Res. 251: Ms. NORTON, Mr. BONIOR, and Mrs. MALONEY of New York.
 H. Res. 267: Mr. TAUZIN, Mr. KIM, Mr. LAZIO of New York, Mr. LAFALCE, Mr. BERREUTER, Mr. FOSSELLA, Mr. HOBSON, Mr. MCINNIS, Mr. HERGER, Mr. ISTOOK, Mr. ROHRBACHER, Mr. GINGRICH, Mr. LOBIONDO, and Mr. NEY.
 H. Res. 279: Ms. DANNER, Mr. BARRETT of Wisconsin, Mr. DIAZ-BALART, Mr. FOLEY, and Mr. PASCRELL.
 H. Res. 322: Mr. HAMILTON, Mr. FALBOMAYAGA, Mr. MENENDEZ, Mr. FOLEY, and Mr. WAXMAN.

H.R. 2697: Mr. DOGGETT.
 H.R. 3000: Mr. RUSH.
 H. Con. Res. 187: Mr. DOGGETT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

28. The SPEAKER presented a petition of the Essex County Board of Supervisors, Elizabethtown, New York, relative to Resolution No. 235 expressing strong opposition to Federal law requiring Canadian citizens to fill out visa forms before entering the United States; to the Committee on the Judiciary.

CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROGERS submitted the following conference report and statement on the bill (H.R. 2267) making appropriations for the Department of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-405)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$76,199,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2497: Mrs. JOHNSON of Connecticut.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, \$20,000,000 to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

In addition, for necessary expenses, as determined by the Attorney General, \$32,700,000, to remain available until expended, to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

- (1) counterterrorism technology research and development;
- (2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local law enforcement agencies; and
- (3) providing bomb training and response capabilities to State and local law enforcement agencies.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$70,007,000.

VIOLENT CRIME REDUCTION PROGRAMS,

ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$59,251,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$33,211,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That up to one-tenth of one percent of the Department of Justice's allocation from the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322).

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, \$5,009,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney

General; and rent of private or Government-owned space in the District of Columbia; \$444,200,000; of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed \$17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$75,495,000: Provided, That notwithstanding any other provision of law, not to exceed \$70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than \$5,495,000: Provided further, That any fees received in excess of \$70,000,000 in fiscal year 1998, shall remain available until expended, but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, \$972,460,000; of which not to exceed \$2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed \$1,200,000 for the design, development, and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended: Provided further, That not to exceed \$2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed \$2,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including intergovernmental, inter-local, cooperative, and task-force agreements, however denominated, and con-

tracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes, including bank robbery and carjacking, and drug trafficking: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,948 positions and 9,113 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), \$62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$114,248,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$114,248,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at \$0: Provided further, That any such fees collected in excess of \$114,248,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,226,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$467,833,000, as authorized by 28 U.S.C. 561(i); of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed \$2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: Provided, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$75,000,000, to remain available until expended; of which not to exceed \$4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safes; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$5,319,000 and, in addition, up to \$2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, \$23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, \$4,381,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law en-

forcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$294,967,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, \$2,750,921,000; of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than \$221,050,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$98,400,000 shall remain available until expended; of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which \$1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed \$45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), \$179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; \$57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; \$4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; \$9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and \$5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA

identification information, and related activities authorized by section 210501 of the 1994 Act.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$44,506,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$723,841,000, of which not to exceed \$1,800,000 for research and \$15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed \$50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), \$403,537,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$8,000,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; \$1,657,886,000 of which

not to exceed \$400,000 for research shall remain available until expended; of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training, and \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 1998: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed \$5,000 shall be available for official reception and representation expenses: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: Provided further, That not to exceed 43 permanent positions and 43 full-time equivalent workyears and \$4,167,000 shall be expended for the Office of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That beginning seven calendar days after the enactment of this Act and for each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used by the Immigration and Naturalization Service to accept, for the purpose of conducting criminal background checks on applications for any benefit under the Immigration and Nationality Act, any FD-258 fingerprint card which has been prepared by or received from any individual or entity other than an office of the Immigration and Naturalization Service with the following exceptions—(1) State and local law enforcement agencies and (2) United States consular offices at United States embassies and consulates abroad under the jurisdiction of the Department of State or United States military offices under the jurisdiction of the Department of Defense authorized to perform fingerprinting services to prepare FD-258 fingerprint cards for applicants residing abroad applying for immigration benefits: Provided further, That agencies may collect and retain a fee for fingerprinting services: Provided further, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears after July 1, 1998: Provided further, That notwithstanding any other provision of law, during fiscal year

1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), \$608,206,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$75,959,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 834, of which 599 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments; \$2,821,642,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$90,000,000 for the activation of new facilities shall remain available until September 30, 1999: Provided further, That of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$26,135,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; \$255,133,000, to remain available until expended, of which not to exceed \$14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That, of the total amount appropriated, not to exceed \$2,300,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES.

FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,266,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, and sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, \$173,600,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524); of which \$25,000,000 is for the National Sexual Offender Registry: Provided, That, of funds appropriated under this heading, such funds are available as may be necessary to carry out the orderly termination of the Ounce of Prevention Council.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, \$509,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102-534 (106 Stat. 3524), of which \$46,500,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including \$2,097,000 which shall be available to the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); \$2,382,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That \$20,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: Provided further, That for the purpose of eligibility for the Local Law Enforcement Block Grant Program in the State of Louisiana, parish sheriffs are to be considered the unit of local government under section 108 of H.R. 728; of which \$45,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which \$42,500,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which \$420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which \$720,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which \$165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which \$25,000,000 shall be

available for the Cooperative Agreement Program, and of which \$5,000,000 shall be reserved by the Attorney General for fiscal year 1998 under section 20109(a) of subtitle A of title II of the 1994 Act; of which \$7,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which \$2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which \$172,000,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including \$12,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: Provided further, That, of these funds, \$7,000,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women and \$853,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court; of which \$59,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which \$25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which \$2,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which \$1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which \$2,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which \$63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which \$12,500,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which \$900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which \$750,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which \$30,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which \$1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which \$2,500,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which \$250,000,000 shall be for Juvenile Accountability Incentive Block Grants pursuant to Title III of H.R. 3 as passed by the House of Representatives on May 8, 1997: Provided further, That notwithstanding the requirements of H.R. 3, a State, or unit of local government within such State, shall be eligible for a grant under this program if the Governor of the State certifies to the Attorney General, consistent with guidelines established by the Attorney General in consultation with Congress, that the State is actively considering, or will consider within one year from the date of such certification, legislation, policies, or practices which if enacted would qualify the State for a grant under section 1802 of H.R. 3: Provided further, That 3 percent shall be available to the Attorney General for research, evaluation, and demonstration consistent with this program and 2 percent shall be available to the Attorney General for training and technical assistance consistent with this program: Provided further, That not less than

45 percent of any grant provided to a State or unit of local government shall be spent for the purposes set forth in paragraphs (3) through (9), and not less than 35 percent shall be spent for the purposes set forth in paragraphs (1), (2) and (10) of section 1801(b) of H.R. 3, unless the State or unit of local government certifies to the Attorney General or the State, whichever is appropriate, that the interests of public safety and juvenile crime control would be better served by expending its grant for other purposes set forth under section 1801(b) of H.R. 3: Provided further, That the Federal share limitation in section 1805(e) of H.R. 3 shall be 50 percent in relation to the costs of constructing a permanent juvenile corrections facility: Provided further, That prior to receiving a grant under this program, a unit of local government must establish a coordinated enforcement plan for reducing juvenile crime, developed by a juvenile crime enforcement coalition, such coalition consisting of individuals representing the police, sheriff, prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, non-profit, or social service organizations involved in crime prevention: Provided further, That the conditions of sections 1802(a)(3) and 1802(b)(1)(C) of H.R. 3 regarding juvenile adjudication records require a State or unit of local government to make available to the Federal Bureau of Investigation records of delinquency adjudications which are treated in a manner equivalent to adult records: Provided further, That no State or unit of local government may receive a grant under this program unless such State or unit of local government has implemented, or will implement no later than January 1, 1999, a policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system and funds received under this program may be expended for such purpose: Provided further, That the minimum allocation for each State under section 1803(a)(1)(A) of H.R. 3 shall be 0.5 percent: Provided further, That the terms and conditions under this heading for juvenile accountability incentive block grants are effective for fiscal year 1998 only and upon the enactment of authorization legislation for juvenile accountability incentive block grants, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: Provided further, That funds made available in fiscal year 1998 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$33,500,000, for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts

for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), \$1,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That not to exceed 186 permanent positions and 186 full-time equivalent workyears and \$20,553,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, \$103,000,000 shall be used for innovative community policing programs, of which \$38,000,000 shall be used for a law enforcement technology program, \$1,000,000 shall be used for police recruitment programs authorized under subtitle H of title III of the 1994 Act, \$34,000,000 shall be used for policing initiatives to combat methamphetamine production and trafficking, \$12,500,000 shall be used for the Community Policing to Combat Domestic Violence Program pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and \$17,500,000 shall be used for other innovative community policing programs, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary school grounds, and enhanced policing initiatives in drug "hot spots".

In addition, for programs of Police Corps education, training and service as set forth in sections 200101-200113 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), \$30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$201,672,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which (1) notwithstanding any other provision of law, \$5,922,000 shall be available for expenses authorized by part A of title II of the Act, \$96,500,000 shall be available for expenses authorized by part B of title II of the Act, and \$45,250,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That \$26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) \$12,000,000 shall be available for expenses authorized by section 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$10,000,000

shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$12,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance, \$5,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, \$25,000,000 shall be available for grants of \$360,000 to each state and \$6,640,000 shall be available for discretionary grants to states, for programs and activities to enforce state laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and \$2,000,000 for the Federal Law Enforcement Education Assistance Program, as authorized by section 1212 of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96-132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the

philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking "1996" and inserting "1997 and thereafter".

SEC. 109. (a) Section 1402(d) of the Victims of Crime Act of 1984, (42 U.S.C. 10601(d)), is amended—

- (1) by striking paragraph (1); and
- (2) in paragraph (2), by striking "the next" and inserting "The first".

(b) Any unobligated sums hitherto available to the judicial branch pursuant to the paragraph repealed by section (a) shall be deemed to be deposits into the Crime Victims Fund as of the effective date hereof and may be used by the Director of the Office for Victims of Crime to improve services for the benefit of crime victims, including the processing and tracking of criminal monetary penalties and related litigation activities, in the federal criminal justice system.

SEC. 110. The Immigration and Nationality Act of 1952, as amended, is further amended—

- (a) by striking entirely section 286(s);
- (b) in section 286(r) by—
 - (1) adding " , and amount described in section 245(i)(3)(b) " after "recovered by the Department of Justice" in subsection (2);
 - (2) replacing "Immigration and Naturalization Service" with "Attorney General" in subsection (3); and

(3) striking subsection (4), and replacing it with, "The amounts required to be refunded from the Fund for fiscal year 1998 and thereafter shall be refunded in accordance with estimates made in the budget request of the President for those fiscal years. Any proposed changes in the amounts designated in such budget requests shall only be made after Congressional reprogramming notification in accordance with the reprogramming guidelines for the applicable fiscal year."; and

(c) in section 245(i)(3)(B), by replacing "Immigration Detention Account established under section 286(s)" with "Breached Bond/Detention Fund established under section 286(r)".

SEC. 111. (a) LIMITATION ON ELIGIBILITY UNDER SECTION 245(i).—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)" through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States—

- "(A) who—
- "(i) entered the United States without inspection; or

"(ii) is within one of the classes enumerated in subsection (c) of this section; and

"(B) who is the beneficiary (including a spouse or child of the principal alien, if eligible to receive a visa under section 203(d)) of—

"(i) a petition for classification under section 204 that was filed with the Attorney General on or before January 14, 1998; or

"(ii) an application for a labor certification under section 212(a)(5)(A) that was filed pursuant to the regulations of the Secretary of Labor on or before such date;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) REPEAL OF SUNSET FOR SECTION 245(i).—Section 506(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 103-317; 108 Stat. 1766) is amended to read as follows:

"(c) The amendment made by subsection (a) shall take effect on October 1, 1994, and shall cease to have effect on October 1, 1997. The amendment made by subsection (b) shall take effect on October 1, 1994."

(c) INAPPLICABILITY OF CERTAIN PROVISIONS OF SECTION 245(c) FOR CERTAIN EMPLOYMENT-BASED IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by inserting "subject to subsection (k)," after "(2)"; and

(2) by adding at the end the following:

"(k) An alien who is eligible to receive an immigrant visa under paragraph (1), (2), or (3) of section 203(b) (or, in the case of an alien who is an immigrant described in section 101(a)(27)(C), under section 203(b)(4)) may adjust status pursuant to subsection (a) and notwithstanding subsection (c)(2), (c)(7), and (c)(8), if—

"(1) the alien, on the date of filing an application for adjustment of status, is present in the United States pursuant to a lawful admission;

"(2) the alien, subsequent to such lawful admission has not, for an aggregate period exceeding 180 days—

"(A) failed to maintain, continuously, a lawful status;

"(B) engaged in unauthorized employment; or

"(C) otherwise violated the terms and conditions of the alien's admission."

SEC. 112. (a) SHORT TITLE.—This section may be cited as the "Philippine Army, Scouts, and Guerilla Veterans of World War II Naturalization Act of 1997".

(b) IN GENERAL.—Section 405 of the Immigration and Nationality Act of 1990 (8 U.S.C. 1440 note) is amended—

(1) by striking subparagraph (B) of subsection (a)(1) and inserting the following:

"(B) who—

"(i) is listed on the final roster prepared by the Recovered Personnel Division of the United States Army of those who served honorably in an active duty status within the Philippine Army during the World War II occupation and liberation of the Philippines,

"(ii) is listed on the final roster prepared by the Guerilla Affairs Division of the United States Army of those who received recognition as having served honorably in an active duty status within a recognized guerilla unit during the World War II occupation and liberation of the Philippines, or

"(iii) served honorably in an active duty status within the Philippine Scouts or within any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946;"

(2) by adding at the end of subsection (a) the following new paragraph:

"(3)(A) For purposes of the second sentence of section 329(a) and section 329(b)(3) of the Immigration and Nationality Act, the executive department under which a person served shall be—

"(i) in the case of an applicant claiming to have served in the Philippine Army, the United States Department of the Army;

"(ii) in the case of an applicant claiming to have served in a recognized guerilla unit, the United States Department of the Army; or

"(iii) in the case of an applicant claiming to have served in the Philippine Scouts or any other component of the United States Armed Forces in the Far East (other than a component described in clause (i) or (ii)) at any time during the period beginning September 1, 1939, and ending December 31, 1946, the United States executive department (or successor thereto) that exercised supervision over such component.

"(B) An executive department specified in subparagraph (A) may not make a determination under the second sentence of section 329(a) with respect to the service or separation from service of a person described in paragraph (1) except pursuant to a request from the Service."; and

(3) by adding at the end the following new subsection:

"(d) IMPLEMENTATION.—(1) Notwithstanding any other provision of law, for purposes of the naturalization of natives of the Philippines under this section—

"(A) the processing of applications for naturalization, filed in accordance with the provisions of this section, including necessary interviews, shall be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of the Immigration and Nationality Act; and

"(B) oaths of allegiance for applications for naturalization under this section shall be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of that Act.

"(2) Notwithstanding paragraph (1), applications for naturalization, including necessary interviews, may continue to be processed, and oaths of allegiance may continue to be taken in the United States."

(c) REPEAL.—Section 113 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1440 note), is repealed.

(d) EFFECTIVE DATE; TERMINATION DATE.—

(1) APPLICATION TO PENDING APPLICATIONS.—The amendments made by subsection (b) shall apply to applications filed before February 3, 1995.

(2) TERMINATION DATE.—The authority provided by the amendments made by subsection (b) shall expire February 3, 2001.

SEC. 113. Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant who is present in the United States—

"(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;

"(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;

Except that—

"(1) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and

"(2) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or".

SEC. 114. Not to exceed \$200,000 of funds appropriated under section 1304 of title 31, United States Code, shall be available for payment pursuant to the Hearing Officer's Report in United States Court of Federal Claims No. 93-645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7, 1996)).

SEC. 115. (a) STANDARDS FOR SEX OFFENDER REGISTRATION PROGRAMS.—

(1) IN GENERAL.—Section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "with a designated State law enforcement agency"; and

(ii) in subparagraph (B), by striking "with a designated State law enforcement agency";

(B) by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF SEXUALLY VIOLENT PREDATOR STATUS; WAIVER; ALTERNATIVE MEASURES.—

"(A) IN GENERAL.—A determination of whether a person is a sexually violent predator for purposes of this section shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

"(B) WAIVER.—The Attorney General may waive the requirements of subparagraph (A) if the Attorney General determines that the State has established alternative procedures or legal standards for designating a person as a sexually violent predator.

"(C) ALTERNATIVE MEASURES.—The Attorney General may also approve alternative measures of comparable or greater effectiveness in protecting the public from unusually dangerous or recidivistic sexual offenders in lieu of the specific measures set forth in this section regarding sexually violent predators."

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "that consists of—" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:"

(ii) in subparagraph (B), by striking "that consists of" and inserting "in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by"; and

(D) by adding at the end the following:

"(F) The term 'employed, carries on a vocation' includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

"(G) The term 'student' means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education."

(2) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amended—

(A) in paragraph (1)—
(i) by striking the paragraph designation and heading and inserting the following:

“(1) DUTIES OF RESPONSIBLE OFFICIALS.—”;

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “or in the case of probation, the court” and inserting “the court, or another responsible officer or official”;

(II) in clause (ii), by striking “give” and all that follows before the semicolon and inserting “report the change of address as provided by State law”;

(III) in clause (iii), by striking “shall register” and all that follows before the semicolon and inserting “shall report the change of address as provided by State law and comply with any registration requirement in the new State of residence, and inform the person that the person must also register in a State where the person is employed, carries on a vocation, or is a student”;

(iii) in subparagraph (B), by striking “or the court” and inserting “, the court, or another responsible officer or official”;

(B) by striking paragraph (2) and inserting the following:

“(2) TRANSFER OF INFORMATION TO STATE AND FBI; PARTICIPATION IN NATIONAL SEX OFFENDER REGISTRY.—

“(A) STATE REPORTING.—State procedures shall ensure that the registration information is promptly made available to a law enforcement agency having jurisdiction where the person expects to reside and entered into the appropriate State records or data system. State procedures shall also ensure that conviction data and fingerprints for persons required to register are promptly transmitted to the Federal Bureau of Investigation.

“(B) NATIONAL REPORTING.—A State shall participate in the national database established under section 170102(b) in accordance with guidelines issued by the Attorney General, including transmission of current address information and other information on registrants to the extent provided by the guidelines.”;

(C) in paragraph (3)(A)—

(i) in the matter preceding clause (i), by striking “on each” and all that follows through “applies:” and inserting the following: “State procedures shall provide for verification of address at least annually.”;

(ii) by striking clauses (i) through (v);

(D) in paragraph (4), by striking “section reported” and all that follows before the period at the end and inserting the following: “section shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated address information is promptly made available to a law enforcement agency having jurisdiction where the person will reside and entered into the appropriate State records or data system”;

(E) in paragraph (5), by striking “shall register” and all that follows before the period at the end and inserting “and who moves to another State, shall report the change of address to the responsible agency in the State the person is leaving, and shall comply with any registration requirement in the new State of residence. The procedures of the State the person is leaving shall ensure that notice is provided promptly to an agency responsible for registration in the new State, if that State requires registration”;

(F) by adding at the end the following:

“(7) REGISTRATION OF OUT-OF-STATE OFFENDERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY COURTS MARTIAL, AND OFFENDERS CROSSING STATE BORDERS.—As provided in guidelines issued by the Attorney General, each State shall include in its registration program residents who were convicted in another State and shall en-

sure that procedures are in place to accept registration information from—

“(A) residents who were convicted in another State, convicted of a Federal offense, or sentenced by a court martial; and

“(B) nonresident offenders who have crossed into another State in order to work or attend school.”.

(3) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by redesignating subsections (c) through (f) as (d) through (g), respectively, and inserting after subsection (b) the following:

“(c) REGISTRATION OF OFFENDER CROSSING STATE BORDER.—Any person who is required under this section to register in the State in which such person resides shall also register in any State in which the person is employed, carries on a vocation, or is a student.”.

(4) RELEASE OF INFORMATION.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redesignated by subsection (c) of this section, is amended by striking “The designated” and all that follows through “State agency” and inserting “The State or any agency authorized by the State”.

(5) IMMUNITY FOR GOOD FAITH CONDUCT.—Section 170101(f) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(f)), as redesignated by subsection (c) of this section, is amended by striking “, and State officials” and inserting “and independent contractors acting at the direction of such agencies, and State officials”.

(6) FBI REGISTRATION.—(A) Section 170102(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking “and ‘predatory’” and inserting the following: “‘predatory’, ‘employed, or carries on a vocation’, and ‘student’”.

(B) Section 170102(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(a)(3)) is amended—

(i) in subparagraph (A), by inserting “in a range of offenses specified by State law which is comparable to or exceeds that” before “described”;

(ii) by amending subparagraph (B) to read as follows:

“(B) participates in the national database established under subsection (b) of this section in conformity with guidelines issued by the Attorney General.”;

(iii) by amending subparagraph (C) to read as follows:

“(C) provides for verification of address at least annually.”.

(C) Section 170102(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072(i)) in the matter preceding paragraph (1), is amended by inserting “or pursuant to section 170101(b)(7)” after “subsection (g)”.

(7) PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996.—Section 10 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 is amended by inserting at the end the following:

“(d) EFFECTIVE DATE.—States shall be allowed the time specified in subsection (b) to establish minimally sufficient sexual offender registration programs for purposes of the amendments made by section 2. Subsections (c) and (k) of section 170102 of the Violent Crime Control and Law Enforcement Act of 1994, and any requirement to issue related regulations, shall take effect at the conclusion of the time provided under this subsection for the establishment of minimally sufficient sexual offender registration programs.”.

(8) FEDERAL OFFENDERS AND MILITARY PERSONNEL.—(A) Section 4042 of title 18, United States Code, is amended—

(i) in subsection (a)(5), by striking “subsection (b)” and inserting “subsections (b) and (c)”;

(ii) in subsection (b), by striking paragraph (4);

(iii) by redesignating subsection (c) as subsection (d); and

(iv) by inserting after subsection (b) the following:

“(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In the case of a person described in paragraph (4) who is released from prison or sentenced to probation, notice shall be provided to—

“(A) the chief law enforcement officer of the State and of the local jurisdiction in which the person will reside; and

“(B) a State or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

“(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall be subject to a registration requirement as a sex offender. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (4) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

“(3) The Director of the Bureau of Prisons shall inform a person described in paragraph (4) who is released from prison that the person shall be subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student (as such terms are defined for purposes of section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994), and the same information shall be provided to a person described in paragraph (4) who is sentenced to probation by the probation officer responsible for supervision of the person or in a manner specified by the Director of the Administrative Office of the United States Courts.

“(4) A person is described in this paragraph if the person was convicted of any of the following offenses (including such an offense prosecuted pursuant to section 1152 or 1153):

“(A) An offense under section 1201 involving a minor victim.

“(B) An offense under chapter 109A.

“(C) An offense under chapter 110.

“(D) An offense under chapter 117.

“(E) Any other offense designated by the Attorney General as a sexual offense for purposes of this subsection.

“(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).”.

(B)(i) Section 3563(a) of title 18, United States Code, is amended by striking the matter at the end of paragraph (7) beginning with “The results of a drug test” and all that follows through the end of such paragraph and inserting that matter at the end of section 3563.

(ii) The matter inserted by subparagraph (A) at the end of section 3563 is amended—

(I) by striking "The results of a drug test" and inserting the following:

"(e) RESULTS OF DRUG TESTING.—The results of a drug test"; and

(II) by striking "paragraph (4)" each place it appears and inserting "subsection (a)(5)".

(iii) Section 3563(a) of title 18, United States Code, is amended—

(I) so that paragraphs (6) and (7) appear in numerical order immediately after paragraph (5);

(II) by striking "and" at the end of paragraph (6);

(III) in paragraph (7), by striking "assessments." and inserting "assessments; and"; and

(IV) by inserting immediately after paragraph (7) (as moved by clause (i)) the following new paragraph:

"(8) for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)."

"(iv) Section 3583(d) of title 18, United States Code, is amended by inserting after the second sentence the following: "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)."

(v) Section 4209(a) of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting after the first sentence the following: "In every case, the Commission shall impose as a condition of parole for a person described in section 4042(c)(4), that the parolee report the address where the parolee will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the parolee register in any State where the parolee resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)."

(C)(i) The Secretary of Defense shall specify categories of conduct punishable under the Uniform Code of Military Justice which encompass a range of conduct comparable to that described in section 170101(a)(3)(A) and (B) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)), and such other conduct as the Secretary deems appropriate for inclusion for purposes of this subparagraph.

(ii) In relation to persons sentenced by a court martial for conduct in the categories specified under clause (i), the Secretary shall prescribe procedures and implement a system to—

(I) provide notice concerning the release from confinement or sentencing of such persons;

(II) inform such persons concerning registration obligations; and

(III) track and ensure compliance with registration requirements by such persons during any period of parole, probation, or other conditional release or supervision related to the offense.

(iii) The procedures and requirements established by the Secretary under this subparagraph

shall, to the maximum extent practicable, be consistent with those specified for Federal offenders under the amendments made by subparagraphs (A) and (B).

(iv) If a person within the scope of this subparagraph is confined in a facility under the control of the Bureau of Prisons at the time of release, the Bureau of Prisons shall provide notice of release and inform the person concerning registration obligations under the procedures specified in section 4042(c) of title 18, United States Code.

(9) PROTECTED WITNESS REGISTRATION.—Section 3521(b)(1) of title 18, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (G);

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) protect the confidentiality of the identity and location of persons subject to registration requirements as convicted offenders under Federal or State law, including prescribing alternative procedures to those otherwise provided by Federal or State law for registration and tracking of such persons; and"

(b) SENSE OF CONGRESS AND REPORT RELATING TO STALKING LAWS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that each State should have in effect a law that makes it a crime to stalk any individual, especially children, without requiring that such individual be physically harmed or abducted before a stalker is restrained or punished.

(2) REPORT.—The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, except that—

(1) subparagraphs (A), (B), and (C) of subsection (a)(8) shall take effect 1 year after the date of the enactment of this Act; and

(2) States shall have 3 years from such date of enactment to implement amendments made by this Act which impose new requirements under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.

SEC. 116. (a) IN GENERAL.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153; Public Law 102-395) is amended—

(1) by striking "300" and inserting "3,000"; and

(2) by striking "five years" and inserting "seven years".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall be deemed to have become effective on October 6, 1992.

SEC. 117. For fiscal year 1998, the Attorney General shall provide a magnetometer and not less than one qualified guard at each unsecured entrance to the real property (including offices, buildings, and related grounds and facilities) that is leased to the United States as a place of employment for Federal employees at 625 Silver, S.W., in Albuquerque, New Mexico for the duration of time that Department of Justice employees are occupants of this building, after which the General Services Administration shall provide the same level of security equipment and personnel at this location until the date on which the new Albuquerque federal building is occupied.

SEC. 118. Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

"(I) law enforcement purposes, as determined by the Attorney General; or

"(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

"(ii) The authority provided under this subparagraph shall terminate on December 31, 1999."

SEC. 119. Section 1701(b)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended to read as follows—

"(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year."

SEC. 120. Section 233(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (110 Stat. 1245) is amended by striking "1 year after the date of enactment of this Act" and inserting "October 1, 1999".

SEC. 121. (a) DEFINITIONS.—In this section—

(1) the terms "criminal offense against a victim who is a minor", "sexually violent offense", and "sexually violent predator" have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a));

(2) the term "DNA" means deoxyribonucleic acid; and

(3) the term "sex offender" means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of DNA samples from any sex offender;

(B) the analysis of the collected samples for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

SEC. 122. (a) Notwithstanding any other provision of law relating to position classification or

employee pay or performance, during the 3-year period beginning on the date of enactment of this Act, the Director of the Federal Bureau of Investigation may, with the approval of the Attorney General, establish a personnel management system providing for the compensation and performance management of not more than 3,000 non-Special Agent employees to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Federal Bureau of Investigation.

(b) Except as otherwise provided by law, no employee compensated under any system established under this section may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

(c) Total payments to employees under any system established under this section shall be subject to the limitation on payments to employees set forth in section 5307 of title 5, United States Code.

(d) Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on Appropriations and the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate, an operating plan describing the Director's intended use of the authority under this section, and identifying any provisions of title 5, United States Code, being waived for purposes of any personnel management system to be established by the Director under this section.

(e) Any performance management system established under this section shall have not less than 2 levels of performance above a retention standard.

(f) Not later than March 31, 2000, the Director of the Federal Bureau of Investigation shall submit to Congress an evaluation of the performance management system established under this section, which shall include—

(1) a comparison of—

(A) the compensation, benefits, and performance management provisions governing personnel of similar employment classification series in other departments and agencies of the Federal Government; and

(B) the costs, consistent with standards prescribed in Office of Management and Budget Circular A-76, of contracting for any services provided through those departments and agencies; and

(2) if appropriate, a recommendation for legislation to extend the authority under this section.

(g) Notwithstanding any other provision of law, the Secretary of the Treasury shall have the same authority provided to the Office of Personnel Management under section 4703 of title 5, United States Code, to establish, in the discretion of the Secretary, demonstration projects for a period of 3 years, for not to exceed a combined total of 950 employees, to fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms, the United States Customs Service, and the United States Secret Service.

(h) The authority under this section shall terminate 3 years after the date of enactment of this Act.

SEC. 123. (a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking "permits" and inserting "requires"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "no prisoner release order shall be entered unless" and inserting "no court shall enter a prisoner release order unless"; and

(ii) in subparagraph (F)—

(1) by inserting "including a legislator" after "local official"; and

(II) by striking "program" and inserting "prison";

(2) in subsection (b)(3), by striking "current or ongoing" and inserting "current and ongoing";

(3) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: "Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion."; and

(B) in paragraph (2), by striking "Any prospective relief subject to a pending motion shall be automatically stayed" and inserting "Any motion to modify or terminate prospective relief made under subsection (b) shall operate as a stay"; and

(C) by adding at the end the following:

"(3) POSTPONEMENT OF AUTOMATIC STAY.—The court may postpone the effective date of an automatic stay specified in subsection (e)(2)(A) for not more than 60 days for good cause. No postponement shall be permissible because of general congestion of the court's calendar.

"(4) ORDER BLOCKING THE AUTOMATIC STAY.—Any order staying, suspending, delaying, or barring the operation of the automatic stay described in paragraph (2) (other than an order to postpone the effective date of the automatic stay under paragraph (3)) shall be treated as an order refusing to dissolve or modify an injunction and shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code, regardless of how the order is styled or whether the order is termed a preliminary or a final ruling."

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the date of the enactment of this Act and shall apply to pending cases.

SEC. 124. Section 524(c)(8)(B) of title 28, United States Code, is amended by deleting "1996, and 1997," and inserting "and 1996," in place thereof.

SEC. 125. Section 217(f) of the Immigration and Nationality Act (8 U.S.C. 1187(f)) is amended to read as follows:

"(f) DEFINITION OF PILOT PROGRAM PERIOD.—For purposes of this section, the term 'pilot program period' means the period beginning on October 1, 1988, and ending on April 30, 1998."

SEC. 126. Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), is amended in subsection (g) by striking "December 31, 1997" and inserting "May 1, 1998".

This title may be cited as the "Department of Justice Appropriations Act, 1998".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$23,450,000, of which \$2,500,000 shall remain available until expended: Provided, That not to exceed \$98,000 shall be available for official reception and representation expenses: Provided further, That the total number of political appointees on board as of May 1, 1998, shall not exceed 25 positions.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official

reception and representation expenses, \$41,200,000 to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; \$283,066,000, to remain available until expended: Provided, That of the \$287,866,000 provided for in direct obligations (of which \$283,066,000 is appropriated from the General Fund, and \$4,800,000 is derived from unobligated balances and debobligations from prior years), \$58,986,000 shall be for Trade Development, \$17,340,000 shall be for Market Access and Compliance, \$28,770,000 shall be for the Import Administration, \$171,070,000 shall be for the United States and Foreign Commercial Service, and \$11,700,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; \$43,900,000 to remain available until expended, of which \$1,900,000 shall be for inspections and

other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, \$340,000,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$21,028,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$25,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$47,499,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION

REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91-412 (15 U.S.C. 1525-1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Not-

withstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$137,278,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to conduct the decennial census, \$389,887,000, to remain available until expended: Provided, That of this amount, \$4,000,000 shall be transferred to the Census Monitoring Board for necessary expenses as authorized by section 210 of this Act.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$165,926,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$16,550,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. §§ 902-903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$21,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed \$1,500,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$20,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed

\$3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, \$691,000,000, to remain available until expended: Provided, That of this amount, \$664,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at \$0: Provided further, That during fiscal year 1998, should the total amount of offsetting fee collections be less than \$664,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any fees received in excess of \$664,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That the remaining \$27,000,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law and shall remain available until expended.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses of the Under Secretary for Technology/Office of Technology Policy, \$8,500,000, of which not to exceed \$1,600,000 shall remain available until September 30, 1999.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$276,852,000, to remain available until expended, of which not to exceed \$3,800,000 shall be used to fund a cooperative agreement with Texas Tech University for wind research; and of which not to exceed \$5,000,000 of the amount above \$268,000,000 shall be used to fund a cooperative agreement with Montana State University for a research program on green buildings; and of which not to exceed \$1,625,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$113,500,000, to remain available until expended, of which not to exceed \$300,000 may be transferred to the "Working Capital Fund": Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c) (1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional

Centers for the transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed one year, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to the Center is in the best interest of the Regional Centers for the transfer of Manufacturing Technology Program: Provided further, That the Center's most recent performance evaluation is positive, and the Center has submitted a reapplication which has successfully passed merit review.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$192,500,000, to remain available until expended, of which not to exceed \$82,000,000 shall be available for the award of new grants, and of which not to exceed \$500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$95,000,000, to remain available until expended: Provided, That of the amounts provided under this heading, \$78,308,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 283 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; \$1,512,050,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not more than \$1,509,050,000: Provided further, That any such additional fees received in excess of \$3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$62,381,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: Provided further, That unexpended balances in the accounts "Construction" and "Fleet Modernization, Shipbuilding and Con-

version" shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$491,609,000, to remain available until expended: Provided, That not to exceed \$116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed \$188,700,000: Provided further, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account and the "Construction" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$338,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$27,490,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), \$20,140,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES (RESCISSION)

Of the unobligated balances available under this heading, \$20,500,000 are rescinded.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, \$3,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included

under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. (a) Congress finds that—

(1) it is the constitutional duty of the Congress to ensure that the decennial enumeration of the population is conducted in a manner consistent with the Constitution and laws of the United States;

(2) the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States;

(3) section 2 of the 14th article of amendment to the Constitution clearly states that Representatives are to be "apportioned among the several States according to their respective numbers, counting the whole number of persons in each State";

(4) article 1, section 2, clause 3 of the Constitution clearly requires an "actual Enumeration" of the population, and section 195 of title 13, United States Code, clearly provides "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.";

(5) the decennial enumeration of the population is one of the most critical constitutional functions our Federal Government performs;

(6) it is essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States;

(7) the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional census;

(8) the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration is conducted in a manner that does not comply with the requirements of the Constitution or laws of the United States, it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted; and

(9) Congress is committed to providing the level of funding that is required to perform the entire range of constitutional census activities, with a particular emphasis on accurately enumerating all individuals who have historically

been undercounted, and toward this end, Congress expects—

(A) aggressive and innovative promotion and outreach campaigns in hard-to-count communities;

(B) the hiring of enumerators from within those communities;

(C) continued cooperation with local government on address list development; and

(D) maximized census employment opportunities for individuals seeking to make the transition from welfare to work.

(b) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(c) For purposes of this section—

(1) the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census; and

(2) the report ordered by title VIII of Public Law 105-18 and the Census 2000 Operational Plan shall be deemed to constitute final agency action regarding the use of statistical methods in the 2000 decennial census, thus making the question of their use in such census sufficiently concrete and final to now be reviewable in a judicial proceeding.

(d) For purposes of this section, an aggrieved person (described in subsection (b)) includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress; and

(3) either House of Congress.

(e)(1) Any action brought under this section shall be heard and determined by a district court of three judges in accordance with section 2284 of title 28, United States Code. The chief judge of the United States court of appeals for each circuit shall, to the extent practicable and consistent with the avoidance of unnecessary delay, consolidate, for all purposes, in one district court within that circuit, all actions pending in that circuit under this section. Any party to an action under this section shall be precluded from seeking any consolidation of that action other than is provided in this paragraph. In selecting the district court in which to consolidate such actions, the chief judge shall consider the convenience of the parties and witnesses and efficient conduct of such actions. Any final order or injunction of a United States district court that is issued pursuant to an action brought under this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section may be issued by a single Justice of the Supreme Court.

(2) It shall be the duty of a United States district court hearing an action brought under this section and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any such matter.

(f) Any agency or entity within the executive branch having authority with respect to the car-

rying out of a decennial census may in a civil action obtain a declaratory judgment respecting whether or not the use of a statistical method, in connection with such census, to determine the population for the purposes of the apportionment or redistricting of members in Congress is forbidden by the Constitution and laws of the United States.

(g) The Speaker of the House of Representatives or the Speaker's designee or designees may commence or join in a civil action, for and on behalf of the House of Representatives, under any applicable law, to prevent the use of any statistical method, in connection with the decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress. It shall be the duty of the Office of the General Counsel of the House of Representatives to represent the House in such civil action, according to the directions of the Speaker. The Office of the General Counsel of the House of Representatives may employ the services of outside counsel and other experts for this purpose.

(h) For purposes of this section and section 210—

(1) the term "statistical method" means an activity related to the design, planning, testing, or implementation of the use of representative sampling, or any other statistical procedure, including statistical adjustment, to add or subtract counts to or from the enumeration of the population as a result of statistical inference; and

(2) the term "census" or "decennial census" means a decennial enumeration of the population.

(i) Nothing in this Act shall be construed to authorize the use of any statistical method, in connection with a decennial census, for the apportionment or redistricting of members in Congress.

(j) Sufficient funds appropriated under this Act or under any other Act for purposes of the 2000 decennial census shall be used by the Bureau of the Census to plan, test, and become prepared to implement a 2000 decennial census, without using statistical methods, which shall result in the percentage of the total population actually enumerated being as close to 100 percent as possible. In both the 2000 decennial census, and any dress rehearsal or other simulation made in preparation for the 2000 decennial census, the number of persons enumerated without using statistical methods must be publicly available for all levels of census geography which are being released by the Bureau of the Census for (1) all data releases before January 1, 2001, (2) the data contained in the 2000 decennial census Public Law 94-171 data file released for use in redistricting, (3) the Summary Tabulation File One (STF-1) for the 2000 decennial census, and (4) the official populations of the States transmitted from the Secretary of Commerce through the President to the Clerk of the House used to reapportion the districts of the House among the States as a result of the 2000 decennial census. Simultaneously with any other release or reporting of any of the information described in the preceding sentence through other means, such information shall be made available to the public on the Internet. These files of the Bureau of the Census shall be available concurrently to the release of the original files to the same recipients, on identical media, and at a comparable price. They shall contain the number of persons enumerated without using statistical methods and any additions or subtractions thereto. These files shall be based on data gathered and generated by the Bureau of the Census in its official capacity.

(k) This section shall apply in fiscal year 1998 and succeeding fiscal years.

SEC. 210. (a) There shall be established a board to be known as the Census Monitoring

Board (hereinafter in this section referred to as the "Board").

(b) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals and other simulations of a census in preparation therefor).

(c)(1) The Board shall be composed of 8 members as follows:

(A) 2 individuals appointed by the majority leader of the Senate.

(B) 2 individuals appointed by the Speaker of the House of Representatives.

(C) 4 individuals appointed by the President, of whom—

(i) 1 shall be on the recommendation of the minority leader of the Senate; and

(ii) 1 shall be on the recommendation of the minority leader of the House of Representatives. All members of the Board shall be appointed within 60 days after the date of enactment of this Act. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) The Board shall have—

(A) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) a co-chairman who shall be appointed jointly by the members under subsection (c)(1)(C).

(4) The Board shall meet at the call of either co-chairman.

(5) A quorum shall consist of 5 members of the Board.

(6) The Board may promulgate any regulations necessary to carry out its duties.

(d)(1) The Board shall have—

(A) an executive director who shall be appointed jointly by the members under subsection (c)(1)(A) and (B), and

(B) an executive director who shall be appointed jointly by the members under subsection (c)(1)(C).

each of whom shall be paid at a rate not to exceed level IV of the Executive Schedule.

(2) Subject to such rules as the Board may prescribe, each executive director—

(A) may appoint and fix the pay of such additional personnel as that executive director considers appropriate; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS-15 of the General Schedule.

Such rules shall include provisions to ensure an equitable division or sharing of resources, as appropriate, between the respective staff of the Board.

(3) The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) The Administrator of the General Services Administration, in coordination with the Secretary of Commerce, shall locate suitable office space for the operation of the Board in the W. Edwards Deming Building in Suitland, Maryland. The facilities shall serve as the headquarters of the Board and shall include all necessary equipment and incidentals required for the proper functioning of the Board.

(e)(1) For the purpose of carrying out its duties, the Board may hold such hearings (at the call of either co-chairman) and undertake such other activities as the Board determines to be necessary to carry out its duties.

(2) The Board may authorize any member of the Board or of its staff to take any action which the Board is authorized to take by this subsection.

(3)(A) Each co-chairman of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(B) The Board or the co-chairmen acting jointly may secure directly from any other Federal agency, including the White House, all information that the Board considers necessary to enable the Board to carry out its duties. Upon request of the Board or both co-chairmen, the head of that agency (or other person duly designated for purposes of this paragraph) shall furnish that information to the Board.

(4) The Board shall prescribe regulations under which any member of the Board or of its staff, and any person whose services are procured under subsection (d)(2)(B), who gains access to any information or other matter pursuant to this subsection shall, to the extent that any provisions of section 9 or 214 of title 13, United States Code, would apply with respect to such matter in the case of an employee of the Department of Commerce, be subject to such provisions.

(5) Upon the request of the Board, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Board to assist the Board in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(6) Upon the request of the Board, the head of a Federal agency shall provide such technical assistance to the Board as the Board determines to be necessary to carry out its duties.

(7) The Board may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(8) Upon request of the Board, the Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(9) For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Board shall be deemed to be a committee of the Congress.

(f)(1) The Board shall transmit to the Congress—

(A) interim reports, with the first such report due by April 1, 1998;

(B) additional reports, the first of which shall be due by February 1, 1999, the second of which shall be due by April 1, 1999, and subsequent reports at least semiannually thereafter;

(C) a final report which shall be due by September 1, 2001; and

(D) any other reports which the Board considers appropriate.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b).

(2) In addition to any matter otherwise required under this subsection, each such report shall address, with respect to the period covered by such report—

(A) the degree to which efforts of the Bureau of the Census to prepare to conduct the 2000 census—

(i) shall achieve maximum possible accuracy at every level of geography;

(ii) shall be taken by means of an enumeration process designed to count every individual possible; and

(iii) shall be free from political bias and arbitrary decisions; and

(B) efforts by the Bureau of the Census intended to contribute to enumeration improvement, specifically, in connection with—

(i) computer modernization and the appropriate use of automation;

(ii) address list development;

(iii) outreach and promotion efforts at all levels designed to maximize response rates, especially among groups that have historically been undercounted (including measures undertaken in conjunction with local government and community and other groups);

(iv) establishment and operation of field offices; and

(v) efforts relating to the recruitment, hiring, and training of enumerators.

(3) Any data or other information obtained by the Board under this section shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon request of the chairman or ranking minority member of such committee or subcommittee. No such committee or subcommittee, or member thereof, shall disclose any information obtained under this paragraph which is submitted to it on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(4) The Board shall study and submit to Congress, as part of its first report under paragraph (1)(A), its findings and recommendations as to the feasibility and desirability of using postal personnel or private contractors to help carry out the decennial census.

(g) There is authorized to be appropriated \$4,000,000 for each of fiscal years 1998 through 2001 to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i)(1) No individual described in paragraph (2) shall be eligible—

(A) to be appointed or to continue serving as a member of the Board or as a member of the staff thereof; or

(B) to enter into any contract with the Board.

(2) This subsection applies with respect to any individual who is serving or who has ever served—

(A) as the Director of the Census; or

(B) with any committee or subcommittee of either House of Congress, having jurisdiction over any aspect of the decennial census, as—

(i) a Member of Congress; or

(ii) a congressional employee.

(j) The Board shall cease to exist on September 30, 2001.

(k) Section 9(a) of title 13, United States Code, is amended in the matter before paragraph (1) thereof by striking "of this title—" and inserting "of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998—".

SEC. 211. (a) Section 401 of title 22, United States Code, is amended—

(1) in subsection (a), by adding after the first sentence the following: "The Secretary of Commerce may seize and detain any commodity (other than arms or munitions of war) or technology which is intended to be or is being exported in violation of laws governing such exports and may seize and detain any vessel, vehicle, or aircraft containing the same or which

has been used or is being used in exporting or attempting to export such articles."; and

(2) in subsection (b), by adding the following after "and not inconsistent with the provisions hereof."—

"However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property."

(b) Section 524(c)(11)(B) of title 28, United States Code, is amended by adding at the end thereof "or pursuant to the authority of the Secretary of Commerce".

SEC. 212. Notwithstanding any other provision of law, the Economic Development Administration is directed to transfer funds obligated and awarded to the Butte-Silver Bow Consolidated Local Government as Project Number 05-01-02822 to the Butte Local Development Corporation Revolving Loan Fund to be administered by the Butte Local Development Corporation, such funds to remain available until expended. And, in accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal year 1994 under the heading "Economic Development Administration-Economic Development Assistance Programs" for Metropolitan Dade County, Florida, and subsequently transferred to Miami-Dade Community College for Project No. 04-49-04021 shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1998".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$29,245,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$3,400,000, of which \$485,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$15,575,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$11,449,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$2,682,400,000 (including the purchase of firearms and ammunition); of which not to exceed \$13,454,000 shall remain available until expended for space alteration projects; of which \$900,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals, to remain available until expended; and of which not to exceed \$10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, \$40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103-322, and sections 818 and 823 of Public Law 104-132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); \$329,529,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); \$64,438,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection

of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); \$167,214,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$52,000,000, of which not to exceed \$7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$17,495,000; of which \$1,800,000 shall remain available through September 30, 1999, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$25,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$7,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,800,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$9,240,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed \$10,000 and shall be administered by the Director of the Administrative Office of the United

States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 304. Section 612 of title 28, United States Code, shall be amended by striking out subsection (1).

SEC. 305. (a) COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS.—

(1) ESTABLISHMENT AND FUNCTIONS OF COMMISSION.—

(A) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the "Commission").

(B) FUNCTIONS.—The functions of the Commission shall be to—

(i) study the present division of the United States into the several judicial circuits;

(ii) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(iii) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 5 members who shall be appointed by the Chief Justice of the United States.

(B) APPOINTMENT.—The members of the Commission shall be appointed within 30 days after the date of enactment of this Act.

(C) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(D) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(E) QUORUM.—Three members of the Commission shall constitute a quorum, but two may conduct hearings.

(3) COMPENSATION.—

(A) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(B) PRIVATE MEMBERS.—Members of the Commission from private life shall receive \$200 for each day (including travel time) during which the member is engaged in the actual performance of duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(4) PERSONNEL.—

(A) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this paragraph shall not exceed the annual maximum rate of basic pay for a position above GS-15 of the General Schedule under section 5108 of title 5, United States Code.

(C) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section

3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(D) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis.

(5) INFORMATION.—The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this section. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

(6) REPORT.—The Commission shall conduct the studies required in this section during the 10-month period beginning on the date on which a quorum of the Commission has been appointed. Not later than 2 months following the completion of such 10-month period, the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums, not to exceed \$900,000, as may be necessary to carry out the purposes of this section. Such sums as are appropriated shall remain available until expended.

SEC. 306. Pursuant to section 140 of Public Law 97-92, justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That \$5,000,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in Title III of this Act.

SEC. 307. Section 44(c) of title 28, United States Code, is amended by adding at the end thereof the following sentence: "In each circuit (other than the Federal judicial circuit) there shall be at least one circuit judge in regular active service appointed from the residents of each state in that circuit."

SEC. 308. Section 3006A(d) of title 18, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) DISCLOSURE OF FEES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

"(B) PRE-TRIAL OR TRIAL IN PROGRESS.—If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall—

"(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the court; and

"(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

"(I) Arraignment and or plea.

"(II) Bail and detention hearings.

"(III) Motions.

"(IV) Hearings.

"(V) Interviews and conferences.

"(VI) Obtaining and reviewing records.

"(VII) Legal research and brief writing.

"(VIII) Travel time.

"(IX) Investigative work.

"(X) Experts.

"(XI) Trial and appeals.

"(XII) Other.

"(C) TRIAL COMPLETED.—

"(i) IN GENERAL.—If a request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

"(ii) PROTECTION OF THE RIGHTS OF THE DEFENDANT.—If the court determines that defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

"(D) CONSIDERATIONS.—The interests referred to in subparagraphs (B) and (C) are—

"(i) to protect any person's 5th amendment right against self-incrimination;

"(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

"(iii) the defendant's attorney-client privilege;

"(iv) the work product privilege of the defendant's counsel;

"(v) the safety of any person; and

"(vi) any other interest that justice may require.

"(E) NOTICE.—The court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of the payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial, the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is an appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.

"(F) EFFECTIVE DATE.—The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date."

This title may be cited as "The Judiciary Appropriations Act, 1998".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c), and 22 U.S.C. 2674; and for expenses of general administration; \$1,705,600,000: Provided, That of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), fees may be collected during fiscal years 1998 and 1999 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 1998 and 1999 as an offsetting collection to appropriations made under this heading to recover costs as set

forth under section 140(a)(2) of that Act and shall remain available until expended.

In addition to funds otherwise available, of the funds provided under this heading, \$24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and \$17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended.

In addition, not to exceed \$700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); in addition not to exceed \$1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553), as amended, and in addition, as authorized by section 5 of such Act \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed \$15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for counterterrorism requirements overseas, including security guards and equipment, \$23,700,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, \$363,513,000.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$86,000,000, to remain available until expended, as authorized in Public Law 103-236: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), \$4,200,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, \$7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), \$404,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), \$5,500,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8, \$14,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$129,935,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$955,515,000, of which not to exceed \$54,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of an Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the United States; a ceiling on United States contributions to international organizations after fiscal year 1998 of \$900,000,000; establishment of a merit-based personnel system at the United

Nations that includes a code of conduct and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: Provided further, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103-236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: Provided further, That certification under section 401(b) of Public Law 103-236 for fiscal year 1998 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103-236 at least 15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, \$100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998-1999 of \$2,533,000,000: Provided further, That not to exceed \$12,000,000 shall be transferred from funds made available under this heading to the "International Conferences and Contingencies" account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, provided that such transferred funds are obligated or expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing internationally-based monitoring systems involved in cooperative data sharing agreements with the United States as of date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security \$256,000,000, of which not to exceed \$46,000,000 shall remain available until expended for payment of arrearages: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or

expenditure is expressly authorized by the enactment of an Act described in the first proviso under the heading "Contributions to International Organizations" in this title: Provided further, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$17,490,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182; \$5,490,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$14,549,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, \$41,500,000, of which not to exceed \$50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the unexpended balances previously appropriated under this heading, \$700,000 are rescinded.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed \$25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); \$427,097,000: Provided, That not to exceed \$1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): Provided further, That not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other law, fees from educational advising and counseling, and exchange visitor program services: Provided further, That not to exceed \$920,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$197,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed \$800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection

with English teaching and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any other provision of law, fees from educational advising and counseling.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1998, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1998, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, \$364,415,000, of which \$12,100,000 shall remain available until expended, not to exceed \$16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)), not to exceed \$35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, \$22,095,000, to remain available until expended.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C.

1471), \$40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477(b)).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$12,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, \$1,500,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 404. (a)(1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of subsection (b).

(2) Paragraph (1) applies to amounts made available by title IV of this Act under the heading "ADMINISTRATION OF FOREIGN AFFAIRS" as follows:

(A) \$108,932,000 of the amount made available under the paragraph "DIPLOMATIC AND CONSULAR PROGRAMS".

(B) \$3,530,000 of the amount made available under the paragraph "SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS".

(b) Funds transferred pursuant to subsection (a) shall be transferred to the specified appropriation, allocated to the specified account or accounts in the specified amount, be merged with funds in such account or accounts that are available for administrative support expenses of overseas activities, and be available for the same purposes, and subject to the same terms and conditions, as the funds with which merged, as follows:

(1) Appropriations for the Legislative Branch—

(A) for the Library of Congress, for salaries and expenses, \$500,000; and

(B) for the General Accounting Office, for salaries and expenses, \$12,000.

(2) Appropriations for the Office of the United States Trade Representative, for salaries and expenses, \$302,000.

(3) Appropriations for the Department of Commerce, for the International Trade Administration, for operations and administration, \$7,055,000.

(4) Appropriations for the Department of Justice—

(A) for legal activities—

(i) for general legal activities, for salaries and expenses, \$194,000; and

(ii) for the United States Marshals Service, for salaries and expenses, \$2,000;

(B) for the Federal Bureau of Investigation, for salaries and expenses, \$2,477,000;

(C) for the Drug Enforcement Administration, for salaries and expenses, \$6,356,000; and

(D) for the Immigration and Naturalization Service, for salaries and expenses, \$1,313,000.

(5) Appropriations for the United States Information Agency, for international information programs, \$25,047,000.

(6) Appropriations for the Arms Control and Disarmament Agency, for arms control and disarmament activities, \$1,247,000.

(7) Appropriations to the President—

(A) for the Foreign Military Financing Program, for administrative costs, \$6,660,000;

(B) for the Economic Support Fund, \$336,000;

(C) for the Agency for International Development—

(i) for operating expenses, \$6,008,000;

(ii) for the Urban and Environmental Credit Program, \$54,000;

(iii) for the Development Assistance Fund, \$124,000;

(iv) for the Development Fund for Africa, \$526,000;

(v) for assistance for the new independent states of the former Soviet Union, \$818,000;

(vi) for assistance for Eastern Europe and the Baltic States, \$283,000; and

(vii) for international disaster assistance, \$306,000;

(D) for the Peace Corps, \$3,672,000; and

(E) for the Department of State—

(i) for international narcotics control, \$1,117,000; and,

(ii) for migration and refugee assistance, \$394,000.

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

(i) for operation and maintenance, Army, \$4,394,000;

(ii) for operation and maintenance, Navy, \$1,824,000;

(iii) for operation and maintenance, Air Force, \$1,603,000; and

(iv) for operation and maintenance, Defense-Wide, \$21,993,000; and

(B) for procurement, for other procurement, Air Force, \$4,211,000.

(9) Appropriations for the American Battle Monuments Commission, for salaries and expenses, \$210,000.

(10) Appropriations for the Department of Agriculture—

(A) for the Animal and Plant Health Inspection Service, for salaries and expenses, \$932,000;

(B) for the Foreign Agricultural Service and General Sales Manager, \$4,521,000; and

(C) for the Agricultural Research Service, \$16,000.

(11) Appropriations for the Department of Treasury—

(A) for the United States Customs Service, for salaries and expenses, \$2,002,000;

(B) for departmental offices, for salaries and expenses, \$804,000;

(C) for the Internal Revenue Service, for tax law enforcement, \$662,000;

(D) for the Bureau of Alcohol, Tobacco and Firearms, for salaries and expenses, \$17,000;

(E) for the United States Secret Service, for salaries and expenses, \$617,000; and

(F) for the Comptroller of the Currency, for assessment funds, \$29,000.

(12) Appropriations for the Department of Transportation—

(A) for the Federal Aviation Administration, for operations, \$1,594,000; and

(B) for the Coast Guard, for operating expenses, \$65,000.

(13) Appropriations for the Department of Labor, for departmental management, for salaries and expenses, \$58,000.

(14) Appropriations for the Department of Health and Human Services—

(A) for the National Institutes of Health, for the National Cancer Institute, \$42,000;

(B) for the Office of the Secretary, for general departmental management, \$71,000; and

(C) for the Centers for Disease Control and Prevention, for disease control, research, and training, \$522,000.

(15) Appropriations for the Social Security Administration, for administrative expenses, \$370,000.

(16) Appropriations for the Department of the Interior—

(A) for the United States Fish and Wildlife Service, for resource management, \$12,000;

(B) for the United States Geological Survey, for surveys, investigations, and research, \$80,000; and

(C) for the Bureau of Reclamation, for water and related resources, \$101,000.

(17) Appropriations for the Department of Veterans Affairs, for departmental administration, for general operating expenses, \$453,000.

(18) Appropriations for the National Aeronautics and Space Administration, for mission support, \$183,000.

(19) Appropriations for the National Science Foundation, for research and related activities, \$39,000.

(20) Appropriations for the Federal Emergency Management Agency, for salaries and expenses, \$4,000.

(21) Appropriations for the Department of Energy—

(A) for departmental administration, \$150,000; and

(B) for atomic energy defense activities, for other defense activities, \$54,000.

(22) Appropriations for the Nuclear Regulatory Commission, for salaries and expenses, \$26,000.

(c)(1) The amount in subsection (a)(2)(A) is reduced by \$2,800,000.

(2) Each amount in subsection (b) is reduced on a pro rata basis in the same proportion as \$2,800,000 bears to \$112,462,000, rounded to the nearest thousand.

SEC. 405. (a) An employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization adjustment equal to the

amount of comparability payments under section 5304 of title V, United States Code, that he or she would receive if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) For purposes of this section, the term "employee" shall mean a person who—

(1) is an "employee" as defined under section 2105 of title V, United States Code; and

(2) is employed by the United States Department of State, the United States Information Agency, the United States Agency for International Development, or the International Joint Commission, except that the term shall not include members of the Foreign Service as defined by section 103 of the Foreign Service Act of 1980 (P.L. 96-465), section 3903 of title 22 of the United States Code.

(c) An equalization adjustment payable under this section shall be considered basic pay for the same purposes as are comparability payments under section 5304 of title V, United States Code, and its implementing regulations.

(d) The agencies referenced in subsection (c)(2) are authorized to promulgate regulations to carry out the purposes of this section.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1998".

TITLE V—RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
OPERATING-DIFFERENTIAL SUBSIDIES
(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, \$51,030,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$35,500,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$67,600,000: Provided, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$32,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,725,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy

for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD
SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$250,000, as authorized by Public Law 99-83, section 1303.

COMMISSION ON CIVIL RIGHTS
SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$8,740,000: Provided, That not to exceed \$50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM
SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, \$459,000 to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,090,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$27,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; \$242,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-02; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor

vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$186,514,000, of which not to exceed \$300,000 shall remain available until September 30, 1999, for research and policy studies: Provided, That \$162,523,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation estimated at \$23,991,000: Provided further, That any offsetting collections received in excess of \$162,523,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

FEDERAL MARITIME COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. App. 1111, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; \$14,000,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; \$88,500,000: Provided, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed \$70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than \$18,500,000, to remain available until expended: Provided further, That any fees received in excess of \$70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242, 105 Stat. 2282-2285).

GAMBLING IMPACT STUDY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the National Gambling Impact Study Commission, \$1,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION
 For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$283,000,000, of which \$274,400,000 is for basic field programs and required independent audits;

\$1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and \$7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104-134 (110 Stat. 1321-52 et seq.).

(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

(c) ADDITIONAL PROCEDURES.—If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Corporation regulations, the Corporation finds, after notice and opportunity for the recipient to be heard, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Corporation, the Corporation may terminate the grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the recipient's grant or contract.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104-134 (110 Stat. 1321-51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1997 and 1998, respectively; and

(2) section 504 of Public Law 104-134 (110 Stat. 1321-53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104-134 (110 Stat. 1321-58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery

or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) DEFINITIONS.—For purposes of subsection (a)(2)(C):

(1) The term "battered or subjected to extreme cruelty" has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103-322; 108 Stat. 1953).

(2) The term "related legal assistance" means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS.—The requirements of section 509 of Public Law 104-134 (110 Stat. 1321-58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1998.

(b) REQUIREMENT OF ANNUAL AUDIT.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1998 in accordance with the requirements referred to in subsection (a).

SEC. 504. (a) DEBARMENT.—The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

(b) REGULATIONS.—The Legal Services Corporation shall promulgate regulations to implement this section.

(c) GOOD CAUSE.—In this section, the term "good cause", used with respect to debarment, includes—

(1) prior termination of the financial assistance of the recipient, under part 1640 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling);

(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to date of the debarment decision;

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104-134 (110 Stat. 1321-53 et seq.), section 502(a)(2) of Public Law 104-208 (110 Stat. 3009-59 et seq.), or section 502(a)(2) of this Act;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or

(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any Federal funds, naming the Corporation, or any agency or employee of a Federal, State, or local government, as a defendant.

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in

semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

SEC. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,185,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$283,000,000, of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That not to exceed \$249,523,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated from the General Fund for fiscal year 1998 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1998 appropriation from the General Fund estimated at not more than \$33,477,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103-403, including hire of passenger motor vehicles as authorized

by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$254,200,000, of which: \$3,000,000 shall be available for a grant to Lackawanna County, Pennsylvania for infrastructure development to assist in small business development; \$3,000,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; \$2,000,000 shall be for a grant to Western Carolina University to develop a facility to assist in small business and rural economic development; \$1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; \$1,000,000 shall be for a grant for the Genesis Small Business Incubator Facility, Fayetteville, Arkansas; and \$500,000 shall be available for a continuation grant to the Center for Entrepreneurial Opportunity in Greensburg, Pennsylvania, to provide for small business consulting and assistance: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That \$75,800,000 shall be available to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$10,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, \$181,232,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 1999: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1998, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended: Provided further, That during fiscal year 1998, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$94,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$23,200,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, \$150,000,000, including not to exceed \$500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums shall be transferred to and merged with appropriations for the Office of Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, \$3,500,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572 (106 Stat. 4515-4516)), \$6,850,000, to remain available until expended: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1998, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies fund-

ed by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for: (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days the following:

(A) Based upon all information available to the United States Government, the Government of the Socialist Republic of Vietnam is fully cooperating in good faith with the United States in the following:

(i) Resolving discrepancy cases, live sightings, and field activities.

(ii) Recovering and repatriating American remains.

(iii) Accelerating efforts to provide documents that will help lead to fullest possible accounting of prisoners of war and missing in action.

(iv) Providing further assistance in implementing trilateral investigations with Laos.

(B) The remains, artifacts, eyewitness accounts, archival material, and other evidence associated with prisoners of war and missing in action recovered from crash sites, military actions, and other locations in Southeast Asia are being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102-567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. (a) None of the funds made available in this Act may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length or of more than 750 gross registered tons, and that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower—

(1) as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); or

(2) that would allow such a vessel to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States (except territories), unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such fishery endorsement was not surrendered at any time thereafter.

(b) Any fishing permit or authorization issued or renewed prior to the date of the enactment of this Act for a fishing vessel to which the prohibition in subsection (a)(1) applies that would allow such vessel to engage in fishing for Atlantic mackerel or herring (or both) during fiscal year 1998 shall be null and void, and none of the funds made available in this Act may be used to issue a fishing permit or authorization that would allow a vessel whose permit or authorization was made null and void pursuant to this subsection to engage in the catching, taking, or harvesting of fish in any other fishery within the exclusive economic zone of the United States.

SEC. 617. During fiscal year 1998 and in any fiscal year thereafter, the court, in any criminal case (other than a case in which the defendant is represented by assigned counsel paid for by the public) pending on or after the date of the enactment of this Act, may award to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation expenses, where the court finds that the position of the United States was vexatious, frivolous, or in bad faith, unless the court finds that special circumstances make such an award unjust. Such awards shall be granted pursuant to the procedures and limitations (but not the burden of proof) provided for an award under section 2412 of title 28, United States Code. To determine whether or not to award fees and costs under this section, the court, for good cause shown, may receive evidence ex parte and in camera (which shall include the submission of classified evidence or evidence that reveals or

might reveal the identity of an informant or undercover agent or matters occurring before a grand jury) and evidence or testimony so received shall be kept under seal. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

SEC. 618. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 619. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 620. The second proviso of the second paragraph under the heading "OFFICE OF THE CHIEF SIGNAL OFFICER," in the Act entitled "An Act Making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one", approved May 26, 1900 (31 Stat. 206; chapter 586; 47 U.S.C. 17), is repealed.

SEC. 621. (a) None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmerly, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4) was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in—

(A) the September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or

(B) the murders of thousands of Haitians during the period 1991 through 1994; or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary shall notify the appropriate congressional committees in writing.

(c) **REPORTING REQUIREMENT.**—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than 3 months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) **DEFINITION.**—In this section, the term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 622. Section 3006 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 251, 269) is hereby repealed. This section shall be deemed a section of the Balanced Budget Act of 1997 for the purposes of section 10213 of that Act (111 Stat. 712), and shall be scored pursuant to paragraph (2) of such section.

SEC. 623. REPORT ON UNIVERSAL SERVICE UNDER THE TELECOMMUNICATIONS ACT OF 1996.—(a) The Federal Communications Commission shall undertake a review of the implementation by the Commission of the provisions of the Telecommunications Act of 1996 (Public Law 104-104) relating to universal service. Such review shall be completed and submitted to the Congress no later than April 10, 1998.

(b) The report required under subsection (a) shall provide a detailed description of the extent to which the Commission interpretations reviewed under paragraphs (1) through (5) are consistent with the plain language of the Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Telecommunications Act of 1996, and shall include a review of—

(1) the definitions of "information service," "local exchange carrier," "telecommunications," "telecommunications service," "telecommunications carrier," and "telephone exchange service" that were added to section 3 of the Communications Act of 1934 (47 U.S.C. 153) by the Telecommunications Act of 1996 and the impact of the Commission's interpretation of those definitions on the current and future provision of universal service to consumers in all areas of the nation, including high cost and rural areas;

(2) the application of those definitions to mixed or hybrid services and the impact of such application on universal service definitions and support, and the consistency of the Commission's application of those definitions, including with respect to Internet access under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h));

(3) who is required to contribute to universal service under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)) and related existing federal universal service support mechanisms, and of any exemption of providers or exclusion of any service that includes telecommunications from such requirement or support mechanisms;

(4) who is eligible under sections 254(e), 254(h)(1), and 254(h)(2) of the Communications Act of 1934 (47 U.S.C. 254(e), 254(h)(1), and 254(h)(2)) to receive specific federal universal service support for the provision of universal service, and the consistency with which the Commission has interpreted each of those provisions of section 254; and

(5) the Commission's decisions regarding the percentage of universal service support provided by federal mechanisms and the revenue base from which such support is derived.

SEC. 624. Section 6(d)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(d)(1)) is amended by striking the word "fourteen" and inserting in lieu thereof "eight".

SEC. 625. (a) Section 814(g)(1) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 2291 note) is amended by striking "\$325,000" and inserting "\$370,000".

(b) Section 814(i) of such section is amended by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 626. (a) **IN GENERAL.**—Notwithstanding any provision of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Administrator of General Services shall convey, to any person that acquires an interest in the Naval Petroleum Reserve Numbered 1 (Elk Hills) under subtitle B of title XXXIV of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 631), not to exceed 318 motor vehicles that are leased for use at that reserve on November 6, 1997.

(b) **PROCEDURES AND REQUIREMENTS.**—Any conveyance of motor vehicles under this section shall be made—

(1) after payment to the United States of consideration equal to the fair market value of the motor vehicles; and

(2) under procedures, terms, and conditions that shall be established by negotiation between the Administrator of General Services and the person to whom the motor vehicles are conveyed.

(c) **TREATMENT OF PROCEEDS.**—Amounts received by the United States as consideration for motor vehicles conveyed under this section shall be retained in the General Supply Fund and available in the same manner as are increments for estimated replacement cost of motor vehicles under section 211(d)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 491(d)(2)).

SEC. 627. Section 19(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(a)) is amended to read as follows:

"(a) Subject to section 18, there are authorized to be appropriated, for fiscal year 1998, and for each fiscal year thereafter, an amount equal to the amount of funds derived from the assessments authorized by section 18(a)."

SEC. 628. Notwithstanding the failure of Clarence P. Stewart of Broadway, North Carolina, to file a timely appeal of his wrongful dismissal, during a reduction in force, from the Department of Agriculture as a State Executive Director for the former Agricultural Stabilization and Conservation Service of the Department, the Secretary of Agriculture shall cause Clarence P. Stewart to be afforded relief that is fully commensurate with the relief afforded the similarly-dismissed appellants in the case before the Merit Systems Protection Board styled *Blalock v. Department of Agriculture*, 28 M.S.P.R. 17 (1985).

SEC. 629. Funds made available under Public Law 103-112 for the purposes of section 2007 of the Social Security Act shall be considered "qualified nonprivate funds" for the purposes of section 103(13)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 662(13)(B)); provided such funds were invested on or before July 1, 1995 in a licensee that was licensed prior to

July 1, 1990 under section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681).

SEC. 630. Section 332 of the Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, H.R. 2107 (105th Congress, 1st Session), is amended as follows—

(1) after "October 1, 1997" strike "; or" and insert in lieu thereof "; those national forests"; and

(2) after "court-ordered to revise" strike "; and insert in lieu thereof "; and the White Mountain National Forest".

SEC. 631. Section 512(b) of Public Law 105-61 is amended by adding before the period: "unless the President announced his intent to nominate the individual prior to November 30, 1997".

SEC. 632. (a) **IN GENERAL.**—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the "County"), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the "Pueblo"), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) **PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR CONVEYANCE OR TRANSFER.**—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.

(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) **REVIEW OF TITLE.**—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.

(d) **ENVIRONMENTAL RESTORATION.**—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions

of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional defense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under

section 91 or section 94 of the Atomic Energy Community Act of 1955.

(j) REPEAL OF SUPERSEDED PROVISION.—In the event of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by reason of the approval of the President of the conference report to accompany the bill (H.R.1119) of the 105th Congress, section 3165 of such Act is repealed.

SEC. 633. Effective only for losses beginning March 1, 1997 through the date of enactment of this Act, the Secretary of Agriculture may use up to \$6,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested subsequent to enactment of Public Law 105-18 and prior to December 1, 1997, in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 634. During fiscal year 1998, from funds available to the Department of Defense, up to \$800,000 is available to the Department of Defense to compensate persons who have suffered documented commercial loss of cranberry crops in 1997 in the Mashpee or Falmouth bogs, located on the Quashnet and Coanamesett Rivers, respectively, as a result of the presence of ethylene dibromide (EDB) in or on cranberries from either of the plumes of EDB-contaminated groundwater known as "FS-28" and "FS-1" adjacent to the Massachusetts Military Reservation, Cape Cod, Massachusetts.

TITLE VII—RESCISSIONS DEPARTMENT OF JUSTICE GENERAL ADMINISTRATION WORKING CAPITAL FUND (RESCISSION)

Of the unobligated balances available under this heading on September 30, 1997, \$100,000,000 are rescinded.

TITLE VIII—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for emergency expenses to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska, \$7,000,000 to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that the Secretary of Commerce transmits a determination that there is a commercial fishery failure.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998".

And the Senate agree to the same.

HAROLD ROGERS,
JIM KOLBE,
RALPH REGULA,
MIKE FORBES,
TOM LATHAM,
BOB LIVINGSTON
ALAN B. MOLLOHAN,
DAVID E. SKAGGS
(except for sections
209, 210, 502, and
505),
JULIAN C. DIXON

Managers on the Part of the House.

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHTHORSE
CAMPBELL,
THAD COCHRAN,
FRITZ HOLLINGS,
DANIEL INOUE,
DALE BUMPERS,
FRANK LAUTENBERG,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The legislative intent in the House and Senate versions in H.R. 2267 is set forth in the accompanying House report (H. Rept. 105-207) and the accompanying Senate report (S. Rept. 105-48).

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I—DEPARTMENT OF JUSTICE GENERAL ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$76,199,000 for General Administration, as proposed in the House bill, instead of \$79,373,000 as proposed in the Senate bill. Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The conference agreement assumes \$3,600,000 for continued support for counterterrorism security initiatives provided in fiscal year 1997, \$426,000 for additional staffing for the Office of Professional Responsibility, and \$1,100,000 for adjustments to base. The conferees also support the transfer of \$5,000,000 from the INS Examinations Fee account to the General Administration account for Justice Management Division oversight of the naturalization program, as provided in the House report. In addition, the conferees support recommendations in the House and Senate reports regarding development of a drug strategy, restructuring of the INS and review of capital case prosecutions.

The conference agreement also includes a provision as proposed in the House bill, that

prohibits the Offices of Legislative and Public Affairs from being supplemented by reimbursable and non-reimbursable details.

Format for Budget Submissions and Reprogrammings.—The Senate report included a number of concerns with the presentation of budget submissions and the number of reprogramming requests for the Department of Justice. The conferees agree that instead of adopting the recommendations in the Senate report for changes to these submissions, the Department of Justice should consult with the Committees on Appropriations of both the House and Senate on options to consolidate budget submissions for Department of Justice programs funded through various funding sources and to streamline its reprogramming submissions.

COUNTERTERRORISM FUND

The conference agreement includes \$52,700,000 for the Counterterrorism Fund, instead of \$20,000,000 as proposed in the House bill and \$29,450,000 as proposed in the Senate bill. The conferees understand that in addition to amounts provided in this bill, unobligated balances of \$28,169,000 remain available from previous appropriations for authorized purposes of this Fund.

Within the amounts provided in the conference agreement, \$32,700,000 is included for a new Department of Justice counterterrorism initiative to address the increasing threat of domestic and international terrorism. The conferees remain committed to ensuring that law enforcement and the intelligence community have a comprehensive strategy to combat domestic and international terrorism, and that anti-terrorism, counterterrorism, and security efforts are aggressively pursued and given the highest priority.

Last year, Congress directed the Attorney General to consult with other key departments and agencies and to submit a comprehensive counterterrorism strategy. That strategy was provided to the Congress in May, 1997. During subsequent oversight hearings conducted by both the House and Senate Appropriations Committees, it became apparent that vulnerabilities to our national security still exist, especially with respect to the emerging threats from chemical and biological agents and cyber-attacks on computer systems within the United States. The conferees agree that additional emphasis is needed to coordinate efforts among the many participating departments and agencies that have personnel, resources, and expertise to contribute to this critical mission and to move efforts forward in a multilateral and institutionalized manner.

Counterterrorism Technology Research and Development.—Of the amount provided, \$1,000,000 is included for the Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, and drawing upon expertise of academia, the private sector and State and local law enforcement, to develop a five-year inter-departmental counterterrorism and technology crime plan that is representative of all participating agencies that: (1) identifies critical technologies for targeted research and development efforts; (2) outlines strategies for preventing, deterring and reducing vulnerabilities to terrorism and improving law enforcement agency capabilities to respond to terrorist acts while ensuring inter-agency cooperation; (3) outlines strategies for integrating crisis and consequence management; (4) outlines strategies to protect

our National Information Infrastructure and explore critical technologies through research and development; and (5) outlines strategies to improve State and local capabilities for responding to terrorist acts involving bombs, improvised explosive devices, chemical and biological agents and cyber-attacks. The conferees expect that this plan will serve as a baseline strategy for coordination of national policy and operational capabilities to combat terrorism and will be updated annually to institutionalize this effort. A prospectus shall be submitted in an expanded outline format with estimated time lines and major milestones for completion of the unified counterterrorism and technology crime plan, to the Committee on Appropriations of both the House and Senate no later than February 1, 1998. The final plan shall be submitted to appropriate congressional committees no later than December 31, 1998.

In addition, \$10,500,000 is provided for the Attorney General to conduct a directed priority research and development program in engineering, communications, forensic sciences and tactical disciplines, and including an emphasis on fieldable technology development and deployment, through appropriate Federal agencies, universities, national laboratories and the private sector. Within these amounts, the Attorney General is to provide \$2,000,000 for the Security Technology Program of the Southwest Surety Institute, administered by New Mexico State University, the New Mexico Institute of Mining and Technology, and Arizona State University, to conduct research and training on law enforcement and security technologies for the protection of persons, facilities, and information and for limiting the threat of terrorist activities. In addition, the conferees note the importance and usefulness of the development of explosives detection technology in assisting law enforcement personnel in the detection of explosive materials before a bombing incident. Within the amount provided, the conferees expect the Federal Bureau of Investigation to pursue research and development of explosives detection technology.

Improving State and Local Response Capabilities.—The conference agreement includes \$21,200,000 to ensure that State and local agencies have basic equipment and training for responding to chemical or biological incidents and incidents involving improvised explosive devices. Within this amount, \$16,000,000 is provided for acquisition of personnel protective gear, and detection, decontamination, and communications equipment for State and local agencies and for response training. The conferees direct the Attorney General to provide \$2,000,000 to support operations of the State and local training center for First Responders at Fort McClellan, Alabama, \$2,000,000 for the operations of a similar training center in conjunction with the Energetic Materials Research and Testing Center at the New Mexico Institute of Mining and Technology, and also urge the use of existing national assets including the National Emergency Response and Rescue Training Center at the Texas Engineering Extension Service and the Nevada Test Site, to serve as national training centers to prepare relevant Federal, State and local officials, including law enforcement, firefighters, emergency medical personnel, and other key agencies such as public works and emergency management agencies, to prepare for and respond to chemical, biological, or other terrorist acts.

Within the overall amount provided, \$5,200,000 is included for bomb technician

training at the Hazardous Devices School at Redstone Arsenal, Alabama to improve capabilities of State and local agencies to respond to incidents involving improvised explosive devices.

The conferees direct the Attorney General to develop a plan for directing and coordinating training and exercise activities and expect this plan to be prepared with consultation of other appropriate agencies to ensure the curriculum and training provided are consistent with overall national counterterrorism preparedness programs and goals.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes \$129,258,000 for Administrative Review and Appeals instead of \$125,700,000 as proposed in the House bill and \$79,258,000 as proposed in the Senate bill, of which \$59,251,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF). Of the total amount provided, \$1,557,000 is included for the Office of the Pardon Attorney and \$127,701,000 is included for the Executive Office for Immigration Review (EOIR). Within amounts provided for EOIR, \$6,480,000 is included to support 18 additional immigration judges for border control, removal of criminal and non-criminal aliens, and interior deterrence initiatives, \$3,525,000 is for ten additional immigration judges to address additional caseload related to deportation provisions in the Anti-Terrorism and Effective Death Penalty Act of 1996, and \$140,000 is for electronic freedom of information requirements and systems modernization.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$33,211,000 for the Office of Inspector General, as proposed in Senate bill, instead of \$35,211,000 as proposed in the House bill. In addition, the conference agreement includes a provision, as proposed in the House bill, that allows the Attorney General to transfer up to one-tenth of one percent of grant funds provided under the Violent Crime Reduction Trust Fund (VCRTF) to the Office of the Inspector General for audit and review of these grant programs.

The conference agreement also assumes that in addition to amounts provided from direct appropriations, \$3,695,000 will be provided to the Office of Inspector General from the INS Examinations Fee account for the investigation and review of the INS Citizenship U.S.A. program.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$5,009,000 for the U.S. Parole Commission, as proposed in the Senate bill, instead of \$4,799,000 as proposed in the House bill. Funding is provided in accordance with the Senate report.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes \$452,169,000 for General Legal Activities, instead of \$453,269,000 as proposed in the House bill and \$445,147,000 as proposed in the Senate bill, of which \$7,969,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills.

Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The amount provided in the conference agreement provides pay and inflation increases for

all divisions and the following program increases: (1) \$1,077,000 for the Criminal Division to support the Southwest Border Initiative, Federal capital case prosecutions, international extradition and overseas positions in Brasilia; (2) \$462,000 for Tax Division prosecutions; (3) \$5,483,000 for the Civil Division's defense of claims under the Financial Institution Reform, Recovery and Enforcement Act. In addition, the conferees expect that within the amounts provided for the Criminal Division, \$300,000 will be used to enhance support for the Office of Special Investigations activities involving Nazi war criminals and that the Criminal Division will work with its counterparts in the Department of State to increase the effectiveness of bi-lateral prisoner transfer treaties, as stated in the House report.

The conference agreement allows \$17,525,000 to remain available until expended for office automation systems as proposed in the House bill instead of \$24,555,000 as proposed in the Senate bill. In addition, the conferees direct the Attorney General to use \$7,100,000 of surplus balances in the Assets Forfeiture Fund to support implementation of the Justice Consolidated Office Network.

The conference agreement does not include a provision, as proposed in the Senate bill, that would limit the level of staffing and resources for the Offices of Legislative and Public Affairs.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of \$4,028,000 for fiscal year 1998 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in both the House and Senate bills.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides \$93,495,000 for the Antitrust Division, instead of \$94,542,000 as proposed in the House bill and \$92,447,000 as proposed in the Senate bill. The conference agreement assumes that of the amount provided, \$70,000,000 will be derived from fees collected in fiscal year 1998 and \$18,000,000 will be derived from estimated unobligated fee collections available from 1997, resulting in a net direct appropriation of \$5,495,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes \$1,035,288,000 for the U.S. Attorneys, instead of \$1,035,828,000 as proposed in the House bill and \$1,032,532,000 as proposed in the Senate bill, of which \$62,828,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill instead of \$46,128,000 as proposed in the Senate bill.

Funding is provided in accordance with the House and Senate reports with the following exceptions for program increases. The amount provided in the conference agreement provides the following program increases: (1) \$3,897,000 for the U.S. Attorneys support of the Southwest Border Initiative; (2) \$9,786,000 for increased drug prosecutions, including additional funding to support U.S. Attorney-led drug task force projects and support for High Intensity Drug Trafficking Area task forces; (3) \$2,000,000 to support the continuation and expansion of Violent Crime Task Forces in New Hampshire and South Carolina into demonstration projects focused on specific law enforcement problems such as the impact of spillover violence coming from high crime urban areas into much smaller neighboring jurisdictions or the identification, investigation, and prosecution of violent, repeat offenders operating ei-

ther alone, as part of a gang, or as part of a drug enterprise; (4) \$6,237,000 for activation of the National Advocacy Center; (5) \$632,000 for child support enforcement; and (6) \$7,785,000 for critical staffing needs for D.C. Superior Court, including \$3,349,000 for support staff and \$4,416,000 for attorney and support staff for increased prosecutions, unsolved homicides, gang prosecutions and Operation Ceasefire. In addition, the conference agreement provides reimbursable funding for the U.S. Attorneys of \$853,000 from Violence Against Women Act grants for domestic violence prosecutions in the District of Columbia and \$6,596,000 from the Office of Victims of Crime to support 93 additional staff assigned to U.S. Attorneys Offices for victims assistance. In addition, within the amounts provided, the conferees agree that an additional \$100,000 should be used to support the U.S. Attorneys Office in Guam for use in the Commonwealth of the Northern Mariana Islands.

The conferees agree that additional resources are needed to address the high volume of cases in the District of Columbia and have provided 33 attorneys to support this caseload. The conferees are also aware that the U.S. Attorneys Office is proposing to restructure its entire D.C. Superior Court section under a community prosecution model based on a pilot project in the Fifth District. While it is understood that the Fifth District pilot project has shown evidence of some success, the conferees believe that before an entire restructuring is implemented, a full evaluation of this approach, including an analysis of cost effectiveness of this model, should be completed. The conferees understand that the National Institute of Justice is currently documenting strategies that have emerged in the Fifth District pilot project and possible ways to measure the success of this project and is expected to complete this work by May 1998. In addition, the conferees expect an evaluation of the Fifth District pilot project to include an analysis of the "papering" process, which identifies how many arrested suspects were not charged due to: (1) violation of suspects' Constitutional rights; (2) unwillingness of victims to cooperate with law enforcement; (3) recantation by, or challenge of the veracity of, witnesses or victims; (4) lack of probable cause for arrests; (5) subsequent determination that alleged crimes were perpetrated by others or did not occur; (6) lack of evidence; and (7) offenses falling under the jurisdiction of the Office of the Corporation Counsel. For the remaining cases where papering did not occur, the D.C. U.S. Attorneys Office shall identify the reasons it failed to file charges and outline any steps necessary to correct deficiencies in its handling of the papering process. The conferees also expect the U.S. Attorneys and other Department of Justice components to redirect base resources previously provided for financial institution fraud, in accordance with the notification provided to the Committees on August 1, 1997, to increase its prosecutive and investigative efforts for fraud, white collar crime and defensive civil litigation.

The conference agreement also includes the following provisions: (1) allows \$1,200,000 to remain available until expended for development of an information systems strategy for D.C. Superior Court, as proposed in the House bill; (2) allows \$2,500,000 to remain available until expended for the National Advocacy Center, as proposed in the Senate bill; (3) allows \$2,000,000 for Violent Crime Task Forces to remain available until expended, similar to a proposal in the Senate

bill; (4) allows \$6,000,000 to remain available until expended for office moves, as proposed in the House bill; and (5) provides the total number of positions and full-time equivalent employment expected to be supported by the level of resources provided, as proposed in both the House and Senate bills.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides \$114,248,000 in budget (obligation) authority for the U.S. Trustees, to be entirely funded from offsetting fee collections, instead of \$107,950,000 as proposed in the House bill and \$116,721,000 as proposed in the Senate bill. The amount provided in the conference agreement includes increases for the following activities: (1) \$4,952,000 to address increases in bankruptcy filings; (2) \$2,000,000 to expand the automated fee application review project; (3) \$608,000 to improve security; (4) \$200,000 for electronic interface development with private trustees; (5) \$104,000 for improved criminal database access; and (6) \$257,000 for electronic freedom of information requirements.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides \$1,226,000 for the Foreign Claims Settlement Commission as proposed in both the House and Senate bills, and assumes funding is provided in accordance with the House and Senate reports.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes \$493,386,000 for the U.S. Marshals Service instead of \$488,497,000 as provided in the House bill and \$497,339,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that \$25,553,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills.

The amount included in the conference agreement is provided in accordance with the House and Senate reports and includes program increases as follows: (1) \$8,695,000 for staffing and equipment for new and expanded courthouses; (2) \$658,000 for witness security; and (3) \$5,145,000 for fugitive apprehensions. In addition, the conferees direct the Attorney General to provide a total of \$2,134,000 from remaining 1997 balances in the Working Capital Fund and remaining surplus balances in the Assets Forfeiture Fund, for replacement of radios. The conferees also adopt the recommendations in the Senate report regarding funding for the Justice Prisoner and Alien Transportation System review and video conferencing.

The conference agreement does not include a provision, as proposed in the Senate bill, that limits the level of staffing and resources in the Offices of Legislative and Public Affairs.

The conferees are aware that the Department of Justice's asset forfeiture inventory which is managed by the U.S. Marshals Service, currently includes a forfeited DC-3 aircraft which the Department of State International Narcotics and Law Enforcement Affairs Section has requested be transferred for international counter-narcotic purposes. The conferees expect the Department of Justice to give this transfer request priority consideration and to notify the Committees on Appropriations of the House and Senate of its intentions before any further action is taken by the U.S. Marshals Service with regard to disposal of this aircraft.

The conferees are also concerned about the U.S. Marshals Service oversight of Court Security Officers in the Fourth Circuit. The

conferees direct the Department of Labor to make a complete review of wage determinations for Court Security Officers in the Fourth Circuit, giving specific consideration to comparable wages and benefits paid to Federal employees and Federal contract employees in the area. In addition, the conferees direct the U.S. Marshals Service, before the exercise of any options, to recompute the Court Security contract for the Fourth Circuit giving significant consideration to wages paid to employees and their potential impact on labor dissension.

FEDERAL PRISONER DETENTION

The conference agreement provides \$405,262,000 for Federal Prisoner Detention, as proposed in both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes \$75,000,000 for Fees and Expenses of Witnesses as proposed in both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement provides \$5,319,000 for the Community Relations Service, as proposed in both the House and Senate bills and in accordance with both the House and Senate reports. In addition, the conference agreement includes a provision, as proposed in the House bill, which allows the Attorney General to transfer up to \$2,000,000 of funds available to the Department of Justice to this program. The conferees direct the Attorney General to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised.

ASSETS FORFEITURE FUND

The conference agreement provides \$23,000,000 for the Assets Forfeiture Fund as proposed in both the House and Senate bills, and assumes funding is provided in accordance with both the House and Senate reports.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement includes \$2,000,000 for administrative expenses in accordance with the Radiation Exposure Compensation Act, as proposed by both the House and Senate bills. The conference agreement does not include an advance appropriation of \$2,000,000 for fiscal year 1999 for this account, as proposed in the House bill.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement includes \$4,381,000 for fiscal year 1998 for payments to the Radiation Exposure Compensation Trust Fund, as proposed by both the House and Senate bills and assumes that funding is provided in accordance with the House and Senate reports. The conference agreement does not include an advance appropriation of \$29,000,000 for fiscal year 1999 for this program, as proposed in the House bill.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes \$294,967,000 for Interagency Crime and Drug Enforcement as proposed by both the House and Senate bills and assumes funding is provided in accordance with the House and Senate reports with the following exception. The conference agreement includes language which allows \$50,000,000 of the funds to be

available until expended as proposed in the House bill instead of allowing all funding to be available until expended as proposed in the Senate bill.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes \$2,930,042,000 for the Federal Bureau of Investigation (FBI), instead of \$2,886,065,000 as proposed in the House bill and \$3,016,389,000 as proposed in the Senate bill, of which \$179,121,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in both the House and Senate bills. In addition, the conference agreement provides that not less than \$221,050,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of \$147,081,000 as proposed by the House and \$257,601,000 as proposed by the Senate bill. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Counterterrorism Initiative.—The conference agreement includes a significant increase for the FBI to enhance its counterterrorism readiness capabilities for responding to and managing incidents involving improvised explosive devices, chemical and biological agents, and cyber-attacks. The conference agreement does not include a classified annex for counterterrorism, as proposed in the Senate bill, and instead provides additional funding for counterterrorism activities under this account and the Counterterrorism Fund. The conference agreement provides a \$143,451,000 increase for counterterrorism activities of the FBI including: (1) \$77,586,000 to annualize 1,019 positions included in fiscal year 1997 and to provide 245 new positions (including 133 agents) for counterterrorism activities; (2) \$11,845,000 and 56 positions (including 34 agents) to establish Computer Investigative and Infrastructure Threat Assessment (CITAC) Teams and for technical equipment and contractor support for the CITAC Center; (3) \$900,000 for training and equipment for Computer Analysis Response Teams; (4) \$3,500,000 to equip the Hostage Rescue Team and field office teams with equipment and training for responding to a crisis situation involving weapons of mass destruction; (5) \$2,500,000 for operational expenses of the National Security Division's Weapons of Mass Destruction program; (6) \$2,000,000 for safety equipment and training of Evidence Response Teams and to outfit the Hazardous Materials Response Unit with equipment, scientific instruments and related forensic materials; (7) \$1,600,000 for bomb technician equipment in field offices; and (8) \$43,520,000 to upgrade the capabilities of the FBI for timely deployment of personnel and equipment to terrorist and hostage incidents through replacement of aircraft. Within this funding, \$10,000,000 is provided to replace an existing specialized surveillance aircraft used to support counterterrorism, national security, and criminal investigations. \$23,200,000 is provided to replace outdated 1960's vintage helicopters used for tactical support, \$5,000,000 is provided to improve aviation surveillance capabilities for the New York City field office, \$2,000,000 is provided for necessary equipment and related items required for rapid deployment of the Hostage Rescue Team (HRT) and Special Weapons and Tactics (SWAT) personnel, \$1,500,000 is provided for helicopter pilot training, \$320,000 is provided for advance aircraft leasing, and \$1,500,000 is provided for increasing costs as-

sociated with the availability of aircraft and training mission support provided by the Department of Defense.

In addition, the conferees agree that the FBI may, within available 1998 funding, implement the additional authorizations agreed to by the House and Senate Committees on Intelligence with respect to 1998 National Foreign Intelligence Program activities.

Child Sexual Exploitation on the Internet.—The conference agreement adopts the recommendation in the Senate report, to expand the FBI's efforts to combat child pornography and sexual exploitation on the Internet and via on-line service providers. The conference agreement includes \$10,000,000 and 60 new positions (including 25 agents) in accordance with the Senate report for this initiative.

Southwest Border Initiative and Drug Investigations in Mexico.—The conference agreement provides \$16,717,000 and 138 positions (including 70 agents) to support the Southwest Border initiative and \$2,546,000 and 6 agents for FBI participation on DEA Task Forces in Mexico.

International Program.—The conference agreement provides \$7,294,000 to expand FBI's Legal Attaché program. The conferees are aware of the FBI's selection process for locations to station its Legal Attachés abroad and that the FBI has recently initiated a planning process to address its international operations that will, among other things, assess the requirements for and the placement of all Legal Attaché offices. It is conceivable that some existing and proposed locations may be supplanted during the process by emerging locations with higher indicated priorities. The conferees commend the FBI for initiating this process and agree that prior to further expansion of international operations, the FBI should complete this comprehensive planning process which goes well beyond what it has previously attempted. This planning process should lead to a threat-based, outcome-oriented operations and activity plan that will allow the FBI to demonstrate it is allocating its personnel in a manner that optimizes both effectiveness and impact. The conferees direct that such a plan, in each instance: (a) identify specific criminal activity in the United States which has a visible nexus to the foreign country, (b) analyze the extent and significance or impact of this criminal activity in the United States, and (c) specify exactly how placing FBI personnel in the foreign country will have a significant impact on defeating or reducing the criminal activity. Thereafter, the plan should articulate and specify a decision making process that insures resources are committed to only the highest threat areas where there is a reasonable expectation of successful outcomes. Factors such as the status of relations with a particular nation must be considered. Finally, a regular procedure must be identified and implemented to measure the effectiveness and need for each office, with a view toward reallocating resources when warranted.

Within the amount provided the conferees have included \$1,912,218 for the specific purpose of enhancing existing Legal Attaché Offices in the high international crime threat nexus countries of Mexico and Russia and \$1,203,450 for establishing an FBI presence in Nigeria. The remaining \$4,178,332 provided in the conference report shall be available for the opening of new offices or expansion of existing offices, subject to the reprogramming requirements in section 605 of this Act and only when the FBI has completed the following activities to determine the most effective use of these resources: (1) completion

of a planning process which addresses at a minimum the elements discussed above; (2) application of this process to a rigorous in-depth examination of the FBI's international operations including existing as well as anticipated Legal Attaché Offices and extraterritorial squad activities; and (3) development of a current, outcome-oriented operations and activity plan that identifies FBI overseas requirements based on demonstrated threat.

Organized Crime/La Cosa Nostra.—The conference agreement provides \$5,000,000 and 47 positions (28 agents), as proposed in both the House and Senate bills, to enhance investigative resources addressing the La Cosa Nostra.

Infrastructure Requirements.—The conference agreement includes an increase of \$21,394,000 for the following activities: (1) \$8,000,000 to conduct security reinvestigations of FBI employees; (2) \$2,000,000 to upgrade and strengthen the capabilities of the National Backstopping Centers; and (3) \$11,394,000 for processing of Freedom of Information and Privacy Act (FOIA) requests. In addition, the conferees direct the Attorney General to provide from surplus balances in the Assets Forfeiture Fund, \$9,059,000 for the FBI's acquisition of a FOIA document processing system and \$6,000,000 to begin replacement of microwave radio communications equipment.

In addition to the items stated above, the conferees adopt the recommendations included in the House and Senate reports regarding IAFIS and NCIC 2000, hiring status reports, \$2,000,000 for the Cargo Theft Task Force, consideration of the development of MDTV at the FBI fingerprint center, veterans investigations and training curricula of FBI and DEA at the training facility in Quantico, Virginia, and do not support consideration of the establishment of an additional training facility. The conferees are also aware that high-tech crime and the incidence of crime within the high-tech industry have become an increasing problem for United States technology companies and request that the FBI provide a report to the Committees on Appropriations of both the House and Senate by March 1, 1998, that outlines FBI's strategic plan to address this problem, including the current and projected number of staff and the geographic distribution of resources dedicated to this issue.

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes the following provisions: (1) allows \$98,400,000 to remain available until expended, as proposed in the House bill, of which the conferees expect that \$84,400,000 will be used for expenses related to automation of fingerprint identification services; (2) allows up to \$45,000 to be used for official reception and representation expenses as proposed in the House bill, instead of \$60,000 as proposed in the Senate bill; and (3) prohibits funds from being used to provide for ballistics equipment to State and local entities that have received similar equipment from other Federal agencies, as proposed in the House bill. The conference agreement does not include a provision, included in the Senate bill, that would have limited the level of staffing and resources in the Offices of Legislative and Public Affairs.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement does not include additional funding for the Telecommunications Carrier Compliance Fund, for making payments to telecommunications carriers, equipment manufacturers, and pro-

viders of telecommunications support services to implement technology changes under the Communications Assistance for Law Enforcement Act (CALEA), as proposed in the Senate bill. The House bill included \$50,000,000 for this Fund for national security purposes. The conferees understand there is currently \$101,000,000 available in the Fund which is sufficient to support reimbursement to the telecommunications industry during fiscal year 1998.

The conferees note with concern, the continued delays in implementation of the Communications Assistance for Law Enforcement Act (CALEA). CALEA was enacted over three years ago and there has been little, if any, progress in developing much needed upgrades for telecommunications systems to support law enforcement wiretapping requirements. Based on recent discussions between the Committees on Appropriations, the Department of Justice and representatives from the telecommunications industry, an agreement was reached in an attempt to move this process forward, which included a commitment by both the industry and law enforcement that by January 4, 1998, the Department of Justice will provide to the Committees on Appropriations: (1) cost estimates for the development and deployment of the solution; (2) a timeline for development and deployment of the solution; and (3) two signed cooperative agreements with appropriate telecommunications carriers and/or equipment manufacturers. The conferees agree that completion of these steps will indicate whether or not industry and law enforcement officials are committed to the implementation of CALEA and whether additional funding, within the amounts authorized for reimbursement to the telecommunications industry, will be provided in the future.

CONSTRUCTION

The conference agreement includes \$44,506,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), instead of \$38,506,000 as proposed in the House bill and \$59,006,000 as proposed in the Senate bill. Within the amount provided, the conference agreement assumes funding for completion of the FBI laboratory, \$4,660,000 for renovation and realignment of the Los Angeles Field Office, \$2,000,000 to lease a new aviation hangar facility, and \$4,000,000 to address the backlog of repair and maintenance of FBI-owned facilities in accordance with the Senate report.

DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$1,127,378,000 for the salaries and expenses of the Drug Enforcement Administration (DEA), instead of \$1,124,500,000 as proposed in the House bill and \$1,080,382,000 as proposed in the Senate bill, of which \$403,537,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$310,037,000 as proposed in the House bill and \$441,117,000 as proposed in the Senate bill. In addition to amounts appropriated, the conference agreement assumes that \$58,268,000 will be available from the Diversion Control Fund for diversion control activities and assumes funding is provided in accordance with the House and Senate reports. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

The conference agreement adopts the recommendation in the House report to significantly expand DEA's efforts to address drug

trafficking throughout the Caribbean. The conference agreement includes \$34,217,000 and 60 new agents in accordance with the House report for this initiative. In addition, the conference agreement includes the following program increases: (1) \$29,741,000 to support counter-drug efforts along the Southwest border, in accordance with the House and Senate reports; (2) \$11,046,000 and 54 agents targeted at methamphetamine production and trafficking, in accordance with the House report; (3) \$10,000,000 and 120 positions for efforts to reduce heroin trafficking, in accordance with the Senate report; and (4) \$39,534,000 to address crucial investigative and intelligence infrastructure requirements, including \$19,425,000 for DEA's FIRE-BIRD data processing system and MERLIN intelligence system, \$4,670,000 for ADP maintenance and equipment, \$5,638,000 for 85 additional intelligence analysts, \$1,000,000 for DEA support for new High Intensity Drug Trafficking Areas, \$7,801,000 for relocation of agents, and \$1,000,000 for aircraft replacement. In addition, the conference agreement does not include a provision, included in the Senate bill, that limits the level of staffing and resources in the Offices of Legislative and Public Affairs.

The conferees also adopt recommendations in the Senate report regarding the drug diversion control fee account and the DEA training facility in Quantico, Virginia. In addition, the conferees request that DEA provide to the Committees on Appropriations, any information that it has available regarding the impact in the Caribbean on increases in drug trafficking resulting from a recent decision of the World Trade Organization to discontinue the special relationship of Caribbean countries to the European Union.

CONSTRUCTION

The conference agreement includes \$8,000,000 in direct appropriations for construction for the Drug Enforcement Administration (DEA), instead of \$5,500,000 as proposed in the House bill and \$10,500,000 as proposed in the Senate bill. Within the amount provided, the conference agreement assumes \$5,500,000 will be used for reconstruction of five of DEA's regional laboratory facilities and \$2,500,000 will be used to address the backlog of repair and maintenance of DEA-owned facilities, in accordance with the Senate report.

IMMIGRATION AND NATURALIZATION SERVICE SALARIES AND EXPENSES

The conference agreement includes \$2,266,092,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of \$2,297,398,000 as proposed in the House bill and \$2,150,097,000 as proposed in the Senate bill, of which \$608,206,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$690,957,000 as proposed in the House bill and \$719,898,000 as proposed in the Senate bill. In addition to amounts appropriated, the conference agreement assumes that \$1,461,183,000 will be available from offsetting fee collections, instead of \$1,215,191,000 as proposed by the House and \$1,198,659,000 as proposed by the Senate bill. Thus, including resources provided under construction, the conference agreement provides a total operating level of \$3,803,234,000 for INS, instead of \$3,583,548,000 as proposed by the House, \$3,422,315,000 as proposed by the Senate bill, and \$3,652,175,000 as requested by the Administration. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Border Control.—The conference agreement includes: (1) \$125,322,000 for 1,000 new border patrol agents and 136 support personnel, instead of 500 new agents as requested by the Administration; (2) \$42,500,000 for border patrol equipment and technology including forward-looking infrared scopes, airborne electro-optical surveillance systems, night vision scopes, radios, sensors, low light television systems, and of which \$16,200,000 is provided for continued development and deployment of the ENFORCE and IDENT systems; and (3) \$11,500,000 for land border automation systems. The conferees are aware that new border technologies exist which are alleged to be useful in improving the overall effectiveness of border control efforts and encourage the INS to examine the feasibility and cost effectiveness of using various types of aircraft, airborne surveillance platforms (both manned and unmanned), electro-optical and infrared sensor systems and geographic positioning and mobile command and control systems, for border patrol operations.

The conference agreement adopts recommendations included in the House and Senate reports for continued reports on Border Patrol hiring, training and enforcement strategy, and a pilot project for reimbursement for emergency ambulance services in Nogales, Arizona.

Interior Enforcement/Removal of Deportable Aliens.—The conference agreement includes the following increases to enhance INS' ability to deport illegal aliens: (1) \$48,321,000 to provide 1,864 additional detention bedspaces at INS facilities in Buffalo, New York and Krome, Florida, a contract facility in San Diego, California and additional contracts with State and local agencies; (2) \$12,073,000 to locate and remove deportable aliens; (3) \$6,751,000 to expand the local jail program; and (4) \$5,000,000 to expand the Law Enforcement Support Center (LESC). Because direct appropriations have been provided for the LESC, the conference agreement assumes that \$3,800,000 of enforcement fines resources previously used to support the LESC will be used to support base border patrol technology requirements. However, within overall amounts available to INS, the conferees expect INS to expand LESC services to Utah.

The conference agreement also assumes that \$104,471,000 of additional funding from the Breached Bond/Detention Account will support 1,136 additional detention bedspaces in fiscal year 1998, bringing the total funded level of detention bedspaces to 15,050, an increase of 3,000 detention beds over fiscal year 1997.

The conference agreement also adopts the recommendation in the House report regarding the need for a revised interior enforcement strategy which the INS is expected to submit to the Committees on Appropriations of both the House and Senate by April 1, 1998. In addition, the conferees agree with language included in the House and Senate reports regarding continued support for the local jail programs in Anaheim City and Ventura County, California, and the California Criminal Alien Identification and Intervention Program, escort of deported criminal aliens on commercial passenger aircraft, and implementation of a cross-deputization pilot project with a qualified State and local law enforcement agency. The conferees also expect INS to use funding provided for verification systems in accordance with the House report and also support the use of \$3,948,000 of this funding to provide 69 positions for status verification.

In addition, the conferees agree to a modified plan, proposed by the State Department,

for orphan adoptions in the Russian Far East. Consular officers in Vladivostok will forward approved immigrant visa applications to Moscow by courier for final processing. Final processing and return of immigrant visas to Vladivostok will occur within the 10-day waiting period after final adoption hearings. The conferees commend INS for its cooperation in developing this plan.

Deployment of Resources.—The conferees expect the INS to continue its consultation with the Committees on Appropriations of both the House and Senate before deployment of new border patrol agents and additional staffing included in this conference agreement.

Naturalization.—The conference agreement provides over \$163,000,000 to address naturalization caseload and to improve the integrity of the naturalization process. Within the amounts provided from direct appropriations, the following increases are included: (1) \$16,830,000 for purchase and installation of fingerprint scanners; and (2) \$3,391,000 for revocation of citizenship for criminals improperly naturalized. The conferees agree with the recommendation in the House report that requires INS to report on a quarterly basis on the status of the revocation proceedings and any actions that follow for deportation.

In addition, the conference agreement includes two provisions to address the INS fingerprinting process for applicant benefits. A provision is included, as proposed in the House bill, which requires INS to wait for the FBI to complete both a name and fingerprint criminal history check before completing the adjudication of an application for citizenship. The conference agreement also includes language, similar to language included in both the House and Senate bills, that prohibits INS from accepting fingerprint cards for applicant benefits from any individual or entity other than a State and local law enforcement agency or the Departments of State and Defense which are authorized to perform fingerprinting services for applicants applying for immigration benefits who are residing abroad. The conferees understand that INS is fully prepared to accept this fingerprinting responsibility and has entered into a contract to provide personnel to conduct fingerprinting services at INS locations. It is further understood that the contractor performing these services for the INS will lease space, hire contract personnel, and operate the INS fingerprint facilities but that INS personnel will be stationed at all times at each such facility to ensure quality control and to supervise the operation of the facility. In addition, the contractor will file with INS on a monthly basis a certification that all its employees performing any services related to or connected in any way with the preparation of FD-258 fingerprint cards have undergone government background checks and received FBI approved training.

The conferees also expect that State and local law enforcement agencies will be registered with the INS prior to providing fingerprint services to benefit applicants. To be considered registered with the INS, a law enforcement agency must (1) notify the INS of its intention to take fingerprints and (2) provide INS with a list of all employees that the law enforcement agency will use to take fingerprints.

The conference agreement also provides language that allows INS, the Departments of State and Defense and State and local law enforcement agencies to collect and retain a fee for fingerprinting services. Any fee estab-

lished for this service by a Federal agency shall be established by regulation in order to reimburse agencies for expenses in providing fingerprint services, including administrative and support costs, and the collection, safeguarding and accounting for such fees. An interim regulation may be employed in the early stages of the program, to implement all aspects of the program, including setting of a fingerprint fee, while the normal studies to justify a fee regulation are being conducted.

INS Organization and Management.—The conference agreement provides \$3,086,000 for processing of Freedom of Information and Privacy Act (FOIA) requests in accordance with electronic FOIA requirements. In addition, the conferees adopt recommendations included in the House report with regard to review of recommendations of the Commission on Immigration Reform on restructuring, reorganizing and managing the immigration responsibilities of the INS. The conference agreement also includes a provision, as proposed in the House bill, which authorizes and directs the Attorney General to impose disciplinary actions, including termination of employment, under the same policies and procedures applicable to employees of the FBI, for any INS employee who violates Department policies and procedures relative to granting citizenship or who willfully deceives the Congress or Department Leadership on any matter. Also included is a provision, similar to provisions proposed in both the House and Senate bills, that reduces by 10 percent, the level of staffing for the Offices of Legislative and Public Affairs. The conferees do not intend for this staffing reduction to be applied to the staffing dedicated to casework or to the legislative branch office that directly serves Congress. The conference agreement also adopts a provision, similar to one proposed in the House bill, that limits to four positions the number of INS non-career positions, but allows until July 1, 1998 before this provision goes into effect.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes that \$1,461,183,000 will be available from offsetting fee collections for INS, instead of \$1,215,191,000 as proposed by the House and \$1,198,659,000 as proposed by the Senate bill, to support activities related to the legal admission of persons into the United States. These activities are supported entirely by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following increases are recommended:

Immigration Examinations Fees.—The conference agreement assumes \$785,342,000 of spending from the Immigration Examinations Fee account, instead of \$667,477,000 as proposed by the House bill and \$646,916,000 as proposed by the Senate bill. The level provided in the conference agreement takes into consideration a reprogramming request submitted to the Committees on July 30, 1997 which included a request for \$150,229,000 in additional spending from the Exams Fee account to address fingerprinting requirements and naturalization caseload.

The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling \$854,100,000 which includes carryover from fiscal year 1997, revenue projected for fiscal year 1998 and assumes the availability of fees from applications under section 245(i) of the Immigration and Nationality Act. The conference agreement does not include recommendations in both the House and Senate reports

that would have transferred base funding from various programs funded under the Salaries and Expenses account to the Immigration Examinations Fee account. However, in order to provide the needed resources to address naturalization workload and restore integrity to the citizenship process, the conferees direct INS to examine and reallocate at least five percent of its base requirements in this account. The conference level for this account assumes this base realignment. The following program increases are assumed in the conference agreement: (1) \$5,273,000 for naturalization ceremonies; (2) \$67,000,000 for fingerprinting requirements, including personnel, space, and supplies; (3) \$38,287,000 to convert 400 temporary positions to term appointments to process naturalization and adjustment of status applications; (4) \$11,096,000 to improve records infrastructure; (5) \$10,913,000 for quality assurance staff to oversee processing of naturalization applications and to provide for continued audit of procedures; (6) \$33,169,000 to provide for uniform paper processing through implementation of the DIRECT MAIL system; (7) \$14,081,000 for overtime, district office and service center contract support, to address naturalization backlogs and processing times; (8) \$4,800,000 to support records contracts in district offices; (9) \$5,210,000 to modify the CLAIMS system to support naturalization case processing; (10) \$1,250,000 to enhance INS's Central Index System; (11) \$3,125,000 to purchase and install additional card production machines for the Border Crossing Card Replacement program, including one machine which is to be located in southeastern Kentucky; and (12) \$1,900,000 for expansion of the Texas Service Center to accommodate the transfer of files and Direct Mail processing of naturalization applications.

In addition, the conferees are aware that local INS offices continue to have significant backlogs in the processing of applications for benefits despite significant increases in staffing. The conferees request that INS conduct an analysis of its current allocation of resources among district offices to determine whether it is using an appropriate staffing model to address its application workload requirements and provide a report of its findings to the Committees on Appropriations of both the House and Senate no later than March 1, 1998.

Inspections User Fees.—The conference agreement assumes \$426,622,000 of spending from the Inspections User Fee account instead of \$419,296,000 as proposed in the House bill and \$398,896,000 as proposed in the Senate bill. The conference agreement does not assume transfers of base funding from various programs funded under the Salaries and Expenses account to the Inspections User Fee account, as proposed in the Senate bill. In addition, the conferees understand that \$10,000,000 of base funding for detention is no longer required in this account due to reduced detention costs resulting from expedited exclusion authority and is therefore available for other initiatives in this account. The conference agreement assumes this realignment of resources and includes the following increases: (1) \$10,395,000 for pay and inflation base adjustments; (2) \$10,500,000 to support the 1998 costs of reprogramming actions in fiscal year 1997; (3) \$17,699,000 and 277 positions to improve facilitation at air and sea ports of entry, including full-time manning by inspectors of the three in-transit lounges at Miami International Airport; (4) \$1,715,000 to staff three new air ports of entry, in accordance with the House and

Senate reports; (5) \$12,930,000 to expand departure management automation initiatives, in accordance with the House report; (6) \$2,100,000 for expansion of the INS passenger accelerated service system to 10 new ports of entry; (7) \$2,600,000 for deployment of the ENFORCE and IDENT systems at air ports of entry; and (8) \$1,324,000 for automation initiatives at ports of entry.

Land Border Inspection Fee Account.—The conference agreement includes \$8,888,000 in spending from the Land Border Inspection Fund, as proposed in both the House and Senate bills, and assumes funding will support the following program increases: (1) \$3,000,000 for a secure electronic network for travelers rapid inspection (SENTRI) dedicated commuter lanes, including equipment and facilities modifications in Laredo and Hidalgo, Texas and Nogales, Arizona; and (2) \$700,000 for automated permit ports, including equipment and facilities modifications in Bridgewater and Limestone, Maine; Morses Line and Highgate Springs, Vermont; Mooers, New York, including an enrollment center; Sweetgrass, Montana; Nighthawk, Washington; and Skagway, Alaska.

Breached Bond/Detention Account.—The conference agreement includes \$235,272,000 in spending from Breached Bond/Detention Fund, instead of \$104,471,000 as proposed in the House bill and \$138,900,000 as proposed in the Senate bill. The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling \$277,701,000, which includes carryover funds from fiscal year 1997, revenue projected for FY 1998 and assumes the availability of funds from penalty fees from applications under section 245(i) of the Immigration and Nationality Act. The conference agreement assumes \$130,801,000 of expenses for alien detention costs provided under the salaries and expenses account will be supported by unobligated balances available in this account. Additional funding of \$104,471,000 included in the conference agreement is available to support 1,136 additional detention bedspaces. The conferees also adopt the recommendation included in the Senate report with regard to collection of data and reporting on the 245(i) program.

CONSTRUCTION

The conference agreement includes \$75,959,000 for construction for INS, instead of \$70,959,000 as proposed in the House bill and \$73,559,000 as proposed in the Senate bill. The conference agreement assumes funding is provided in accordance with both the House and Senate reports.

FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

The conference agreement includes \$2,847,777,000 for the salaries and expenses of the Federal Prison System instead of \$2,853,777,000 as proposed in the House bill and \$2,939,035,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that \$26,135,000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF), as proposed in the House bill, instead of \$6,135,000 as proposed in the Senate bill. The conference agreement also assumes that in addition to amounts appropriated, \$90,000,000 will be available from unobligated balances from the prior year, as proposed in the House bill.

Funding is provided in accordance with the House and Senate reports with the following exceptions related to program increases. The conference agreement includes: (1) \$52,607,000 for adjustments to base and for activation of the following facilities: Beaumont, Texas

minimum and high security facilities, Brooklyn, New York detention center, Forrest City, Arkansas low security facility, Yazoo City, Mississippi low security facility, Edgefield, South Carolina Federal Correctional Institution, Carswell, Texas low security facility, Morgantown, West Virginia expansion, Seattle, Washington detention facility, and Elkton, Ohio low and minimum security facilities; (2) \$1,447,000 to expand BOP's intelligence gathering capabilities; and (3) \$1,452,000 for requirements associated with the Electronic Freedom of Information Act.

BUILDINGS AND FACILITIES

The conference agreement includes \$255,133,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners as proposed by the House, instead of \$267,833,000 as proposed in the Senate bill. The conference agreement assumes funding is provided in accordance with the House report and expects that within the amount appropriated, an immediate advance reimbursement of not to exceed \$2,300,000 shall be available for the renovation and construction of U.S. Marshals Service prisoner-holding facilities. In addition, the conferees urge the Bureau of Prisons to consider expansion in future budget requests of the existing Forrest City, Arkansas correctional complex and expect that no additional real estate will be acquired to support this expansion. The conferees further urge BOP to consider the expansion in future budget requests of other existing correctional complexes in the Mississippi Delta and the completion of a high security prison in the Northeast region.

FEDERAL PRISON INDUSTRIES, INCORPORATED (LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of \$3,266,000 for the Federal Prison Industries, instead of \$3,490,000 as proposed in the House bill and \$3,042,000 as proposed in the Senate bill, and assumes funding is provided in accordance with the House and Senate reports.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes \$173,600,000 for Justice Assistance, instead of \$162,500,000 as proposed in the House bill and \$183,165,000 as proposed in the Senate bill. The conference agreement provides the following:

National Institute of Justice	\$42,577,000
Defense/Law Enforcement Technology Transfer	(10,277,000)
Counterterrorism Technologies	12,000,000
National Sex Offender Registry	25,000,000
Grants to Firefighters and Emergency Service Personnel	5,000,000
State and Local Antiterrorism Training ..	2,000,000
Bureau of Justice Statistics	21,529,000
Missing Children	12,256,000
Regional Information Sharing System	20,000,000
National White Collar Crime Center	5,350,000
Management and Administration	27,888,000
Total	173,600,000

This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Office of

Justice Programs (OJP) in this conference report are to be spent.

National Institute of Justice (NIJ).—The conference agreement provides \$42,577,000 for the National Institute of Justice, as proposed in the House bill, instead of \$50,099,000 as proposed in the Senate bill. The amount provided includes an additional \$4,400,000, as proposed by both the House and the Senate for arrestee drug abuse monitoring, as well as a transfer of \$4,700,000 from the General Administration account for the Federal Drug Testing Program. Expansion funds for the Federal Drug Testing Program have not been provided, and OJP is expected to submit a report by June 1, 1998 which evaluates the current pilot drug testing program in terms of accomplishments and details plans for expansion of this program. In addition, \$7,000,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Act grants program. The conference agreement adopts the recommendation in the House and Senate reports that provides that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: \$500,000 for a study of the health care status of prison inmates; \$4,500,000 for Facial Recognition Technology; and technologies stated in the House report. In addition to the above amount, \$20,000,000 will be provided to NIJ in fiscal year 1998 from the Local Law Enforcement Block Grant for assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. Within the amount provided, the conferees expect NIJ to provide increased amounts for computerized identification systems and to continue support of collaborative projects to enhance law enforcement technology training.

In addition, in accordance with the House report for General Legal Activities, the conferees expect OJP to look into the feasibility of collecting information on the prevalence of outstanding and unresolved claims made against police departments by private citizens, as well as the process by which those claims are disposed.

Defense/Law Enforcement Technology Transfer.—Within the total amount provided to NIJ, the conference agreement includes \$10,277,000 to assist NIJ in its efforts to adopt technologies for law enforcement purposes. Within this amount, \$5,000,000 is provided for continuation of the law enforcement technology center network, \$2,800,000 is provided to continue the technology commercialization initiative at the National Technology Transfer Center, and \$1,048,000 is provided to continue the Arson and Explosion Research Program at the University of Central Florida. In addition, to ensure adequate oversight, \$1,429,000 is included for management by NIJ personnel.

Counterterrorism Technologies.—The conference agreement provides \$12,000,000 for counterterrorism technology programs authorized under sections 820 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, instead of \$10,000,000 as proposed in the House bill and \$14,000,000 as proposed in the Senate bill. Within the amount provided, OJP is expected to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding technologies recommended in the House report.

National Sex Offender Registry.—The conference agreement provides \$25,000,000 for the National Sex Offender Registry, as proposed in both the House and Senate bills.

Grants to Firefighters and Emergency Service Personnel.—The conference agreement provides \$5,000,000 for local firefighter and emergency service training grants as authorized under section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 as proposed in both the House and Senate bills.

State and Local Antiterrorism Training.—The conference agreement provides \$2,000,000 for State and local law enforcement training to address antiterrorism preparedness as proposed in the House bill, instead of \$4,000,000 as proposed in the Senate bill and assumes funding in accordance with the House report.

Bureau of Justice Statistics.—The conference agreement provides \$21,529,000 for the Bureau of Justice Statistics (BJS) for fiscal year 1998, as proposed in both the House and Senate bills.

Missing Children.—The conference agreement provides \$12,256,000 for the Missing Children Program, instead of \$8,656,000 as proposed in the House bill and \$13,156,000 as proposed in the Senate bill. The conference agreement provides a significant increase for Federal, State, and local law enforcement agencies, and the National Center for Missing and Exploited Children, to address the increasing need to combat crimes against children, particularly kidnapping and sexual exploitation. The conference agreement consolidates funding under one account for Missing Children programs as proposed in the House bill, instead of under various accounts as proposed in the Senate bill. Within the amounts provided the conferees have included:

(1) \$4,171,000 for the Missing Children program within the Office of Justice Programs, Justice Assistance, including \$2,400,000 for State and local law enforcement to form specialized cyber units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children;

(2) \$6,900,000 for the National Center for Missing and Exploited Children, of which \$1,900,000 is provided for Internet investigations as proposed in the Senate report. The conferees expect the National Center for Missing and Exploited Children to continue to consult with participating law enforcement agencies to ensure the curriculum, training, and programs provided with this additional funding are consistent with the protocols for conducting investigations involving the Internet and on-line service providers that have been established by the Department of Justice; and

(3) \$1,185,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases.

Regional Information Sharing System (RISS).—The conference agreement includes \$20,000,000 for the RISS program, instead of \$14,500,000 as proposed in the House bill and \$25,000,000 as proposed in the Senate bill. In addition, the conference agreement provides \$5,000,000 under the COPs Technology Program for a one-time enhancement to the RISS program to upgrade its communications infrastructure. The increase provided will facilitate the rapid exchange of information pertaining to criminals and criminal ac-

tivity. The conferees are concerned that there may be duplication among the many intelligence systems being utilized by Federal, State and local law enforcement agencies. Within this amount, \$500,000 is provided for development of an inventory of Department of Justice funded automated law enforcement information systems, as proposed in the House report under General Administration. In accordance with the House report, the inventory should include the major 25 to 40 systems nationwide, should examine their interoperability and interconnectivity, and should result in a strategy that brings together these different systems to enable them to communicate effectively and efficiently, while guarding against duplication or overlap.

National White Collar Crime Center.—The conference agreement includes \$5,350,000 for the National White Collar Crime Center as proposed in the House bill instead of \$3,850,000 as provided in the Senate bill and assumes funding in accordance with the House report.

Management and Administration.—The conference agreement provides \$27,888,000 for Management and Administration expenses of the Office of Justice Programs as proposed in the House bill, instead of \$30,145,000 as proposed in the Senate bill. In addition, reimbursable funding from VCRTF programs and Community Oriented Policing Services and a transfer from the Juvenile Justice account, will be provided for the administration of grants under these activities. Total funding for the administration of grants assumed in the conference agreement is as follows:

	Amount	FTE
Direct Appropriation	\$27,888,000	320
Transfer from Juvenile Justice programs	5,922,000	71
Reimbursement from VCRTF	39,448,000	346
Reimbursement from COPs	2,500,000	23
Total	75,758,000	760

Since 1995, funding for grant programs administered by the Office of Justice Programs will have grown by 213%, from \$1.1 billion to over \$3.4 billion. In order to ensure careful stewardship of these resources, and in accordance with the House report, the conferees expect the Assistant Attorney General for the Office of Justice Programs (OJP) to submit a report which outlines the steps OJP has taken and which recommends additional actions that will ensure coordination and reduce the possibility of duplication and overlap among the various OJP divisions.

Ounce of Prevention Council.—The conference agreement includes language for costs associated with the termination of the Ounce of Prevention Council, which the conferees understand will soon cease operation. The conferees expect OJP to assume responsibility for any remaining activities of this Council.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes \$2,891,400,000 for State and Local Law Enforcement Assistance, instead of \$2,975,150,000 as proposed in the House bill and \$2,606,150,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that \$2,382,400,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of \$2,437,150,000 as proposed in the House bill and \$2,154,650,000 as proposed in the Senate bill.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

Direct Appropriation:	
Byrne Discretionary Grants	\$46,500,000
Byrne Formula Grants	462,500,000
Total Direct Appropriations	509,000,000

Violent Crime Reduction Trust Fund:	
Byrne Formula Grants ...	42,500,000
Local Law Enforcement Block Grant	523,000,000
Boys and Girls Clubs ...	(20,000,000)
Juvenile Accountability Incentive Block Grant	250,000,000
Drug Courts	30,000,000
Upgrade Criminal History Records (Brady Bill)	45,000,000
State Prison Grants	720,500,000
Cooperative Agreement Program	(25,000,000)
Indian Country	(5,000,000)
Alien Incarceration	(165,000,000)
State Criminal Alien Assistance Program	420,000,000
Violence Against Women Act Programs	270,750,000
Substance Abuse Treatment for State Prisoners	63,000,000
DNA Identification State Grants	12,500,000
Law Enforcement Family Support Programs	1,000,000
Senior Citizens Against Marketing Scams	2,500,000
Motor Vehicle Theft Prevention	750,000
Safe Return Program	900,000
Total, Violent Crime Reduction Trust Fund	2,382,400,000

Edward Byrne Grants to States.—The conference agreement provides \$551,500,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which \$46,500,000 is for discretionary grants and \$505,000,000 is provided for formula grants under this program.

Byrne Discretionary Grants.—The conference agreement provides \$46,500,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Assistance Program, as proposed in the House bill, instead of \$75,000,000 as proposed in the Senate bill. The recommendation assumes direct funding for the Weed and Seed program as proposed in the House bill, instead of continuing this program as an earmark from Byrne discretionary grants, as proposed in the Senate bill. Within the amount provided, the conferees expect the Bureau of Justice Assistance (BJA) to review the following proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

\$4,000,000 for the National Crime Prevention Council;

\$1,750,000 to continue and expand the Drug Abuse Resistance Education (DARE America) program. In accordance with both the House and Senate reports, the conferees expect OJP to work with DARE America officials to create new and more effective course criteria aimed at reducing the use of drugs by children;

\$2,000,000 for continued funding for the Washington Metropolitan Area Drug Enforcement Task Force and for development of a regional gang tracking system;

\$775,000 for Project Return and consideration of additional funds for evaluation of this correctional options program;

\$1,000,000 for continued funding for the National Judicial College;

\$1,000,000 to SEARCH Group, Inc. to continue and expand the National Technical Assistance Program, which provides support to State and local criminal justice agencies to improve their use of computers and information technology;

\$2,800,000 for the National Motor Vehicle Title Information System, authorized by the Anti-Car Theft Improvement Act;

\$500,000 for continuation of the Santee-Lynches Regional Council of Governments Local Law Enforcement Program;

\$500,000 for the Alaska Native Justice Center;

\$1,000,000 for the National Neighborhood Crime and Drug Abuse Prevention Program;

\$2,000,000 to allow the Law Enforcement Coordinating Council for the 2002 Olympics to develop and support a public safety master plan for the games. The conferees direct the Office of Justice Programs to ensure that the Law Enforcement Coordinating Council consults with participating local, state, and federal law enforcement agencies to ensure the public safety master plan is coordinated among the many participating agencies that have personnel and resources to contribute to this plan;

\$2,097,000 for the Executive Office of United States Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center; and

\$5,000,000 for a demonstration and evaluation of the Expanded Community Supervision program which combines community-based intermediate sanctions with alcohol and other drug abuse treatment, as an alternative to the traditional incarceration of non-violent felons.

Within the available resources for Byrne discretionary grants, the conferees also urge BJA to review proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding: demonstration and evaluation of the programs of Haymarket House; Chicago's Family Violence Intervention Program; the Female Violent Offender Program; the National Night Out Program; and the community security program of the Local Initiatives Support Corporation.

Byrne Formula Grants.—The conference agreement provides \$505,000,000 for the Byrne Formula Grant program, as proposed in both the House and Senate bills, of which \$42,500,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) instead of \$13,500,000 as proposed in the House bill and \$128,500,000 as proposed in the Senate bill. The conference agreement includes language, as proposed in the House bill, which makes drug testing programs an allowable use of grants provided to States under this program.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Local Law Enforcement Block Grant.—The conference agreement includes \$523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of \$503,000,000 as proposed in the Senate bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided, the conference agreement includes language providing \$20,000,000 of these funds to the Boys and Girls Clubs of America. The conferees direct the Office of Justice Pro-

grams to work with the Boys and Girls Clubs of America and the Boys and Girls Clubs of Greater Washington to develop a proposal for establishment of a Flagship Boys and Girls Club to be located in Washington, DC and to submit a report to the Committees on Appropriations of the House and the Senate by April 1, 1998. In addition, the conference agreement includes language as proposed in the House bill that defines the Commonwealth of Puerto Rico as a unit of local government and includes language similar to that proposed in the Senate bill, which designates parish sheriffs as the recipient of block grant funds in Louisiana. The conferees are aware of the unique law enforcement system that exists in the State of Louisiana whereby the constitution of the State of Louisiana establishes independent and wholly autonomous parish sheriffs and names the sheriff as the chief law enforcement officer of the constitutionally established law enforcement districts. The conferees direct the Department of Justice to ensure that parish sheriffs establish an advisory board pursuant to section 103 of H.R. 728 and shall consider recommendations made by this board to be binding.

Juvenile Accountability Incentive Block Grant.—The conference agreement provides \$250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime by encouraging accountability-based reforms at the State and local level, instead of \$300,000,000 as proposed in the House bill and \$145,000,000 as proposed in the Senate bill. Under this program, funds are to be made available to States, based on each State's comparative juvenile population, and units of local governments are to receive 75% of the amount provided to the States based on a combination of law enforcement expenditures and Uniform Crime Report part 1 violent crimes. To be eligible to receive funds under this program, States must have certified to the Attorney General that they are actively considering, or will consider within the next year, through laws, policies or programs, accountability-based reforms—including graduated sanctions, adult prosecution of violent juveniles, and juvenile record reforms—in accordance with H.R. 3. Funds are available for the following purposes:

- (1) building, expanding or operating juvenile detention and corrections facilities;
- (2) developing and administering accountability-based sanctions for juvenile offenders;
- (3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;
- (4) hiring additional prosecutors so that more cases involving violent juvenile offenders can be prosecuted and backlogs can be reduced;
- (5) providing funding to enable prosecutors to address drug, gang, and youth violence more effectively;
- (6) providing funding for technology, equipment and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;
- (7) providing funding to enable juvenile courts and probation offices to be more effective and efficient in holding juvenile offenders accountable;
- (8) establishing court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

(9) establishing drug court programs for juvenile offenders;

(10) establishing and maintaining inter-agency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to identify, control, supervise and treat serious juvenile offenders; and

(11) establishing and maintaining accountability-based programs that work with the juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

The conference agreement provides a presumption that not less than 45% of any grant provided to a state or unit of local government is available for the purposes set forth in paragraphs (3) through (9) above and not less than 35% is available for the purposes set forth in paragraphs (1), (2), and (10) above. The conference agreement includes language limiting the federal share of construction costs of permanent juvenile corrections facilities to no more than 50% of the total cost. The conferees are concerned that little data exists on the capacity of juvenile detention and corrections facilities to handle both existing and future needs and direct the Office of Justice Programs to conduct a national assessment of the supply of and demand for juvenile detention space, with particular emphasis on capacity requirements in New Hampshire, Mississippi, Alaska, Wisconsin, California, Montana, West Virginia, Kentucky, Louisiana, and South Carolina, and to provide a report to the Committees on Appropriations of the House and the Senate by July 15, 1998. The conference agreement provides that to receive funds under this block grant, States must have in place a coordinated plan for reducing juvenile crime, developed by a coalition of law enforcement and social service agencies involved in juvenile crime prevention, and have implemented, or will implement by January 1, 1999, a policy of testing appropriate categories of juveniles for use of controlled substances. The conferees agree that the coalitions should have broad discretion to utilize funds for a variety of purposes, consistent with items referenced above, targeted at reducing juvenile crime at the local level. The conference agreement also provides that States should consider making available to the FBI records of delinquency adjudication which are treated in a manner equivalent to adult records as part of their consideration of juvenile records reforms.

The conferees expect the Justice Department to establish guidelines in consultation with the Committees on Appropriations and the Judiciary of both the House and Senate that set forth the various circumstances by which States may qualify for funding under this program. Such guidelines should identify what generally constitutes active consideration of the reform requirements in H.R. 3 in order to direct State governors for purposes of the certification process described above. The guidelines should also include accommodations, which provide for a reduction in the local distribution requirement of section 1803 of H.R. 3, with respect to any State which bears the primary financial burden within the State for the administration of juvenile justice and which provide for local distribution consistent with H.R. 728 for the State of Louisiana. The conferees expect that the Justice Department, in developing the guidelines, will take into consideration the fact that many States are currently in the process of reforming their juvenile justice systems.

Drug Courts.—The conference agreement includes \$30,000,000 for drug courts as proposed in the House bill instead of \$40,000,000 as proposed in the Senate bill. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and the Juvenile Accountability Incentive Block Grant.

Upgrade Criminal History Records (Brady Bill).—The conference agreement provides \$45,000,000, as proposed in both the House and Senate bills, for States to upgrade criminal history records as required under the Brady Bill.

State Prison Grants.—The conference agreement provides \$720,500,000 for State Prison Grants, instead of \$722,500,000 as proposed in the House bill and \$740,500,000 as proposed in the Senate bill. Of the amount provided, \$525,500,000 is available to states to build and expand prisons, \$165,000,000 is available to States for the incarceration of criminal aliens and \$25,000,000 is for the Cooperative Agreement Program. The conference agreement also adopts language in the Senate bill which provides \$5,000,000 for construction of jails on Indian reservations and directs the Office of Justice Programs, within the amount provided to examine a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions for funding to support the design phase of a tribal detention facility in Philadelphia, Mississippi. The conference agreement does not include language proposed in the House bill that allows California to use funds provided under the State Prison Grant program to support the cost of incarcerating criminal aliens. The conference agreement also does not include language proposed in the Senate bill to permit prison construction funds to be used to construct juvenile detention facilities, because construction of juvenile facilities is an allowable use of funds under the Juvenile Accountability Incentive Block Grant program.

The conferees continue to be concerned that there is no consistent annual reporting of the incidence and circumstances of deaths that occur at municipal or county jails, State or Federal prisons, or other similar facilities for the confinement of accused or convicted criminals. The conferees direct OJP to provide a report to the Committees on Appropriations of the House and the Senate by February 15, 1998 on the feasibility of creating a single source for annual statistics on in-custody deaths.

State Criminal Alien Assistance Program.—The conference agreement provides a total of \$585,000,000 for the State Criminal Alien Assistance Program for reimbursement to States for the costs of incarceration of criminal aliens, instead of \$600,000,000 as proposed in the House bill and \$500,000,000 as proposed in the Senate bill. Of the total amount, the conference agreement includes \$420,000,000 under this account for the State Criminal Alien Assistance Program as proposed in the House bill, and \$165,000,000 for this purpose under the State Prison Grants program.

Violence Against Women Act Programs.—The conference agreement includes \$270,750,000 for grants to support the Violence Against Women Act instead of \$305,500,000 as proposed in the House bill and \$263,750,000 as proposed in the Senate bill. Grants provided under this account are for the following programs:

General Grants	\$172,000,000
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	7,000,000

Training for Judicial Personnel	2,000,000
Grants for Televised Testimony	1,000,000
Grants to Encourage Arrest Policies	59,000,000
Rural Domestic Violence ..	25,000,000
National Stalker and Domestic Violence	2,750,000
Training Programs	2,000,000
Total	270,750,000

Within the amount provided for General Grants, the conference agreement includes an additional \$12,000,000 exclusively for the purpose of augmenting civil legal assistance programs to address domestic violence, \$7,000,000 for research and evaluation of domestic violence programs, and \$853,000 to support an enhanced domestic prosecution unit within the District of Columbia. Within the amounts provided, the Office of Justice Programs is expected to examine a proposal for operating expenses of a public-private partnership demonstration project in Las Vegas, Nevada, for a home for victims of domestic abuse, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate.

Substance Abuse Treatment for State Prisoners.—The conference agreement includes \$63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House bill, instead of \$61,200,000 as proposed in the Senate bill.

DNA Identification State Grants.—The conference agreement includes \$12,500,000 for DNA Identification State Grants, instead of \$10,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate. Within the amount made available under this program, the conferees expect the Office of Justice Programs and the FBI to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions regarding a \$2,000,000 grant to the Marshall University Forensic Science Program.

Law Enforcement Family Support Programs.—The conference agreement includes \$1,000,000 for law enforcement family support programs, as proposed by both the House and the Senate.

Senior Citizens Against Marketing Scams.—The conference agreement includes \$2,500,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, instead of \$2,000,000 as proposed in both the House and Senate bills.

Motor Vehicle Theft Prevention.—The conference agreement includes \$750,000 for grants to combat motor vehicle theft, as proposed in both the House and Senate bills.

Safe Return Program.—The conference agreement includes \$900,000 for the Missing Alzheimer's Patient Program, as proposed in both the House and Senate bills.

WEED AND SEED PROGRAM FUND

The conference agreement includes a direct appropriation of \$33,500,000 for the Weed and Seed program, instead of \$40,000,000 as proposed in the House bill and \$33,500,000 as proposed by the Senate bill as part of the discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. The conference agreement adopts the recommendation in the House and Senate bills that provides that within the overall amount provided to Weed and Seed, the Office of Justice Programs (OJP) is expected to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of

the House and the Senate on its intentions regarding a grant of \$190,000 to Gospel Rescue Ministries of Washington, D. C. to complete renovation of the former Fulton Hotel to a center for drug-addicted women. The conference agreement does not include the provision as proposed in the House bill directing OJP to obligate all funds for this program by July 1, 1998.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

The conference agreement includes \$1,430,000,000 for the Community Oriented Policing Services (COPS) program, instead of \$1,420,000,000 as proposed by the House and \$1,440,000,000 as proposed by the Senate bill. This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Community Oriented Policing Services program in this conference report are to be spent.

Police Corps.—Within the total amount provided, the conference agreement provides \$30,000,000 for the Police Corps program, instead of \$20,000,000 as proposed by the House bill and \$40,000,000 as proposed by the Senate bill. The conferees expect the COPS Office to examine a proposal, make a grant if warranted, and provide a report to the Committees on Appropriations of the House and the Senate regarding a \$2,000,000 continuation grant for advanced police education training in the State of Mississippi.

Management and Administration.—The conference agreement also includes a provision that provides that not to exceed 186 positions, 186 workyears, and \$20,553,000 shall be expended for management and administration of the COPS program, as proposed in the House bill, instead of 270 positions, 228 workyears, and \$24,669,000, as proposed in the Senate bill. The conferees will entertain a request for reprogramming or transfer of funds, pursuant to section 605 of this Act, to increase this amount.

Police Hiring Initiatives.—The conferees have provided funding over the last four years to support grants for the hiring of 64,395 police officers. The conference agreement for fiscal year 1998 provides funding for an additional 17,000 officer grants, which will bring the total number of new police officer grants under this program to 81,395. The conferees expect that resources provided will be used for hiring grants under both the Universal Hiring Program and the COPS Making Officer Redeployment Effective (MORE) program in order to accomplish this goal. In addition, the conference agreement adopts the provision in the Senate bill allowing up to 20% of COPS funds to be used for the COPS MORE program.

Non-Hiring Initiatives.—The conferees are aware that the COPS program has carried forward \$359,000,000 into fiscal year 1998 after completion of its hiring grant process for 1997. During the past two years, funding was restricted to hiring initiatives in order to progress toward the most important goal of the program, putting 100,000 cops on the street. With significant progress toward that goal, the conferees are concerned that communities, particularly communities with populations below 50,000 and with limited public safety resources, may need assistance to sustain progress in reducing crime and to translate the short-term Federal investment into a long-term local capacity to fight crime. The conferees also want to ensure that there is adequate infrastructure for the new police officers, similar to the focus that has been provided for Federal law enforcement over the past few years, so that police officers may work more efficiently, equipped

with the tools and technology they need, and with the flexibility to design specific strategies to target specific crime problems, such as crime in and around schools, the emergence of methamphetamine in new areas, and the challenge of policing "hot spots" of drug market activity. The conferees believe that \$103,000,000 of unused funds from fiscal year 1997 should be used to address these critical law enforcement requirements and direct the COPS program to establish the following non-hiring grant programs:

1. **COPS Technology Program.**—The conference agreement directs \$38,000,000 of unobligated balances to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, the conferees recognize the importance of sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conferees expect the COPS office to award grants for the following technology proposals:

\$7,500,000 for the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of this technology network between all State and local law enforcement agencies in the four southwest border states—California, Arizona, New Mexico, and Texas—to provide information sharing of drug trafficking along the U.S.-Mexico border, by linking criminal and intelligence databases of these states, the El Paso Intelligence Center, and certain components of the Regional Information Sharing System;

\$7,500,000 for the Law Enforcement On-Line system, to add 15,000 State and local users to a secure national interactive computer communications network currently being developed with the FBI;

\$5,000,000 to expand the Regional Information Sharing System (RISS) by providing access to law enforcement member agencies to the RISS Secure Intranet to increase their ability to share and retrieve criminal intelligence information on a real-time basis;

\$3,000,000 for the Jefferson Parish, Louisiana Sheriffs Department for software development and network capability to enhance radio communications and to develop a model for interconnectivity and interoperability;

\$10,000,000 for the North Carolina Criminal Justice Information System, to meet North Carolina's public safety needs;

\$800,000 for the South Dakota Division of Criminal Investigation for the procurement of equipment for law enforcement telecommunications, emergency communications and the state forensic laboratory;

\$100,000 for establishment of a 911 emergency system in Roberts County, South Dakota;

\$2,000,000 for the rural states management information system demonstration project in Alaska;

\$1,000,000 for the development and deployment of a multi-agency, multi-jurisdictional communications system in the Northeast to support routine and emergency information sharing among local, state, and federal law enforcement agencies;

\$500,000 for the Mt. Pleasant, South Carolina Police Department for computer enhancements and policing equipment upgrades; and

\$500,000 for the Charleston, South Carolina Police Department for computer enhancements and policing equipment upgrades.

In addition, the conferees support the development of new technologies which enhance the ability of State and local law enforcement to respond to 911 calls. Recent developments with the use of the 311 non-emergency number has shown promising results and the conferees support the use of these funds for this purpose. In addition, the conferees are aware of the potential law enforcement communications and technology needs arising from the 2002 Winter Olympics and direct that within the overall amounts provided for the COPS program, the COPS office should examine a proposal for a grant to the appropriate unit or units of government in Utah for enhancements and upgrades of security and communications infrastructure.

2. **Police Recruitment Program.**—The conferees direct \$1,000,000 of unobligated balances in the COPS program to be used for police recruitment programs authorized under subtitle H of Title III of the Violent Crime Control and Law Enforcement Act of 1994, as proposed by the House bill. Within the amount provided, the COPS Office is expected to review a proposal, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate regarding a \$500,000 grant for the police recruitment program of St. Paul's Community Baptist Church in East New York, New York.

3. **Community Policing to Combat Domestic Violence Program.**—The conferees direct \$12,500,000 of unobligated balances in the COPS program to be used for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Within the amount provided, the conferees expect the COPS office to review a proposal, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate regarding a \$2,500,000 continuation grant for the State of Washington Community Policing to Combat Domestic Violence program.

4. **COPS Methamphetamine Program.**—The conferees direct \$34,000,000 of unobligated balances in the COPS program to be used for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The conferees are aware that the production, trafficking, and usage of methamphetamine, an extremely destructive and addictive synthetic drug, is a growing national problem, particularly in California, the Southwest, and the Midwest. Within the amount provided for this program, the conferees expect the COPS office to award grants for the following programs:

\$18,200,000 to the California Bureau of Narcotics Enforcement's Methamphetamine Strategy to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

\$1,200,000 for the Tri-State Methamphetamine Training program to train officers from rural areas on methamphetamine interdiction, covert operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

\$3,000,000 for Midwest and \$1,500,000 for East Coast Methamphetamine Initiatives to provide training by Drug Enforcement Administration officials to State and local law enforcement on the proper collection, removal, and destruction of methamphetamine, precursor chemicals, laboratory

equipment, and related materials using certified hazardous waste management methods; and

\$5,000,000 for support by the Drug Enforcement Administration to State and local law enforcement for the clean-up and disposal of clandestine methamphetamine laboratories.

5. COPs Innovative Policing Initiatives.—The conferees direct \$17,500,000 of unobligated balances in the COPs program to be used to provide grants to police agencies and community-based entities to provide innovative solutions to local crime problems, such as programs to improve the safety of elementary and secondary school children, reduce crime on or near elementary and secondary schools, and enhance policing initiatives in "hot spots" of drug market activity.

COPs Small Community Grant Program.—The conferees have recently received a reprogramming request from the Department of Justice that proposes a number of changes in the COPs program which have long-term policy and cost implications. The House and Senate Committees on Appropriations have requested additional financial and program data to evaluate these proposals. However, in addition to the use of unobligated balances for innovative programs mentioned above, the conferees agree that at this time they are in support of an innovative program that addresses COPs retention issues in smaller communities with populations below 50,000. It is in these small communities, especially in rural areas, that the community policing program has had a strong positive impact. In some of these smaller communities, COPs grants may have only provided an increase of one or two new police officers, but this increase may have translated into a 25 to 50 percent increase in the overall police force. Many of these communities have a limited tax base and have expressed concern with their ability to retain officers in fiscal year 1998, thus putting in jeopardy not only the goal of achieving an additional 100,000 cops on the beat, but the overall public safety of these communities. Therefore, the conferees support the use of an additional \$100,000,000 of unobligated balances for one-time grants targeted specifically for retention of police officers to support special public safety and crime prevention projects in jurisdictions serving populations below 50,000. Grantees must be in good standing and must demonstrate the ability to retain the officer after the grant expires. In awarding these grants, the COPs Office should take into consideration: (1) the specific public safety concern(s) that would be addressed by activities performed by the police officer(s); (2) the extent to which the community can demonstrate that a severe hardship to maintaining public safety would be created if the police officer(s) could not be retained; (3) a demonstration that financial hardship and/or a severe budget constraint that impacts the entire local budget, will result in the termination of employment for the police officer(s); (4) a commitment from the local community to support ongoing costs of the project at the end of the grant period; and (5) the extent to which the existing community policing grant has had a measurable impact on the community, either in terms of crime reduction or the development of new crime prevention programs or approaches.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes \$238,672,000, a 36 percent increase over the current fiscal year level, for Juvenile Justice programs, as proposed in the House bill, instead of \$235,422,000 as proposed in the Senate bill. The conferees understand that changes

to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization process of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conferees provide funding consistent with the current Juvenile Justice and Delinquency Prevention Act. In addition, the conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted.

Juvenile Justice and Delinquency Prevention.—Of the total amount provided, \$231,672,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. \$5,922,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. \$96,500,000 for Formula Grants for assistance to State and local programs (Part B). A provision is included that makes \$26,500,000 of the amount available for formula grants available to States that have adopted (or will have in effect not later than one year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent.

3. \$45,250,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, the conferees direct OJJDP to review the following proposals, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

\$2,300,000 to continue and expand the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law;

\$1,000,000 for the Teens, Crime and the Community program;

\$2,000,000 for Parents Anonymous, which develops partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

\$1,750,000 for the Juvenile Offender Transition Program, a public/private partnership to reduce the rate of recidivism among juvenile offenders by partnering certain offenders with a local college or university student in a mentoring-protege program;

\$1,300,000 for the Suffolk University Center for Juvenile Justice, dedicated to representing children in criminal cases in juvenile court and children and parents in civil matters as well as gang related and abuse cases;

\$1,350,000 for establishment of a center for crimes and violence against children based on the reality that children are disproportionate victims of crime and violence;

\$300,000 for the Metro Denver Gang Coalition to allow service providers and community members to share information, support program efforts, and create positive changes in youth, families, and communities; and

\$100,000 for the Crow Creek Alcohol and Drug Program.

In addition, the conferees direct OJJDP to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: continued support for the Hamilton Fish National Institute for School/Community Violence; a grant to the Low Country Children's Center; a grant to the Coalition

for Juvenile Justice; a grant to Project O.A.S.I.S.; a grant to Kids Peace National Center for Kids; continued support at current levels for law-related education; a grant to the Consortium on Children, Families, and Law; a grant to the Vermont Department of Social and Rehabilitative Services; a grant to the Grassroots Drug Prevention program; a grant to the Dona Ana Camp; a grant to the Center for Prevention of Juvenile Crime and Delinquency at Prairie View University; a grant to the New Mexico Prevention Project; a grant to the No Hope in Dope Program; a grant to study the link between child abuse and criminal behavior in Alaska; a grant to the Gainesville Juvenile Assessment Center; a grant to the Lincoln Council on Alcohol and Drugs; a grant to the Hill Renaissance Partnership; a grant to the National Training and Information Center; a grant to the Culinary Arts Training Program for at-risk youth; a grant to the Women of Vision program for youthful female offenders; continued funding for the Violence Institute of New Jersey; and a grant to the Delancy Street Foundation.

The conferees are also concerned about the availability to children of pornographic images via the Internet, and direct the OJJDP to confer with the National Academy of Sciences, and provide a grant if warranted, on the most effective techniques and technologies to block children from receiving these images.

4. \$12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. \$10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. \$12,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. Within the amount provided the conferees expect the OJJDP to provide no less than \$1,000,000 for Big Brothers Big Sisters programs. In addition, within the amount provided, the conferees expect OJJDP to review a proposal for \$2,000,000 for technical assistance and training to JUMP grantees, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions.

7. \$20,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), to units of general local government for delinquency prevention programs and other activities for at-risk youth.

Drug Prevention Program.—The conferees recognize that while crime is on the decline in certain parts of America, a dangerous precursor to crime, namely teenage drug use, is on the rise and may soon reach a 20-year high. The conference agreement includes \$5,000,000, as proposed in the House bill, to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, and unattractive. The conferees expect OJJDP to submit a program plan for activities to be

funded under this initiative by February 1, 1998, including goals to measure program success and expect that this initiative will be consistent with existing research findings on effective prevention methods against teenage drug abuse.

Combatting Underage Drinking.—The conferees recognize that the purchase and consumption of alcoholic beverages by minors is a prevalent problem and that there is a causal relationship between underage drinking and both violent and non-violent crime. The conference agreement includes \$25,000,000 for grants of \$360,000 to each State, \$5,000,000 for discretionary grants, and \$1,640,000 for training and technical assistance to enforce State laws prohibiting the sale of alcoholic beverages to minors and to prevent the purchase or consumption of alcoholic beverages by minors. Projects funded may include: Statewide task forces of State and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors; public advertising programs to educate establishments about statutory prohibitions and sanctions; and innovative programs to prevent and combat underage drinking.

Victims of Child Abuse Act.—The conference agreement includes \$7,000,000 to improve investigations and prosecutions and for the various programs authorized under the Victims of Child Abuse Act (VOCA, Subtitle A), as proposed in the House bill. The following programs are included in the agreement:

\$1,000,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA, including \$300,000 for the Southern Regional Child Advocacy Center;

\$4,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

\$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

\$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes the requested language for death benefits under the Public Safety Officers Benefits program for fiscal year 1998, which will fully fund anticipated payments.

In addition, the conference agreement includes \$2,000,000 for the Federal Law Enforcement Assistance Program for fiscal year 1998, as proposed in both the House and Senate bills.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101 as proposed by both the House and Senate bills, which makes up to \$45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102 as proposed by both the House and Senate bills, which continues certain authorities for the Justice Department in fiscal year 1998 that were contained in the Department of Justice Authorization Act, fiscal year 1980.

Sec. 103.—The conference agreement includes section 103 as proposed by both the

House and Senate bills, which prohibits the use of funds to perform abortions in the Federal Prison System.

Sec. 104.—The conference agreement includes section 104 as proposed by both the House and Senate bills, which prohibits use of the funds to require any person to perform, or facilitate the performance of, an abortion.

Sec. 105.—The conference agreement includes section 105 as proposed by both the House and Senate bills, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Sec. 106.—The conference agreement includes section 106 as proposed by both the House and Senate bills, which allows the Department of Justice to spend up to \$10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed \$2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107 as proposed by both the House and Senate bills, which allows the Department of Justice, subject to reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

Sec. 108.—The conference agreement includes section 108 as proposed in the House bill and similar to language included in the Senate bill, that allows balances remaining in the Assets Forfeiture Fund after September 30, 1997 to be available to the Attorney General for any authorized purpose of the Department of Justice.

Sec. 109.—The conference agreement includes section 109, similar to language proposed in the House bill and language included in the Senate bill under section 114, which authorizes the use of unexpended Crime Victims Fund dollars previously available to the Administrative Office of the U.S. Courts for the National Fine Center, to be used to improve services for crime victims in the Federal criminal justice system.

The conferees understand that this provision will allow \$21,000,000 in unexpended Crime Victims Fund monies to be available to the Director of the Office for Victims of Crime. The conferees direct this funding to be used for the following initiatives: (1) \$12,000,000 to support 93 victim witness coordinators and advocates to be assigned to various U.S. Attorneys Offices, including victim support for D.C. Superior Court, for fiscal years 1998 and 1999; (2) \$8,000,000 for the establishment of an automated victim information and notification system for Federal cases; and (3) \$1,000,000 for restitution collection and enforcement and the processing and tracking of Federal criminal monetary penalties and related litigation activities.

Sec. 110.—The conference agreement includes section 110 as proposed in the Senate bill which merges the INS detention account and the INS Breached Bond/Detention Fund. The House bill did not contain a provision on this matter.

Sec. 111.—The conference agreement includes a new provision under section 111, not proposed in the House or Senate bills, that provides for continuation of Section 245(i) of the Immigration and Nationality Act (INA) for any alien (including the spouse or child of the principal alien) who has been approved for or has filed a petition for permanent immigration, or has filed for labor certification with the Department of Labor, as of January

14, 1998. In addition, the provision also includes an exception for persons obtaining an employment-based visa which allows the person to adjust to permanent resident status under section 245(a) of the INA if the person lapsed into illegal status for less than six months. The Senate bill included a permanent extension of section 245(i) of the INA. The House bill did not contain a provision on this matter.

Sec. 112.—The conference agreement includes section 112, similar to language included in the Senate bill, that extends the filing period for certain naturalization opportunities for Philippine army, scouts, and guerrilla veterans of World War II. The House bill did not contain a provision on this matter.

Sec. 113.—The conference agreement includes section 113, similar to language included in the Senate bill, that amends the Immigration and Nationality Act to address several problems encountered in the implementation of the special immigrant juvenile provision. The language has been modified in order to limit the beneficiaries of this provision to those juveniles for whom it was created, namely abandoned, neglected, or abused children, by requiring the Attorney General to determine that neither the dependency order nor the administrative or judicial determination of the alien's best interest was sought primarily for the purpose of obtaining the status of an alien lawfully admitted for permanent residence, rather than for the purpose of obtaining relief from abuse or neglect. The conferees intend that the involvement of the Attorney General is for the purposes of determining special immigrant juvenile status and not for making determinations of dependency status. In addition, in order to preclude State juvenile courts from issuing dependency orders for juveniles in actual or constructive custody of the INS, the modified provision removes jurisdiction from juvenile courts to consider the custody status or placement of such aliens unless the Attorney General specifically consents to such jurisdiction. The House bill did not contain a provision on this matter.

Sec. 114.—The conference agreement includes section 114, as proposed in the Senate bill under section 115, that implements a ruling of the U.S. Court of Federal Claims. The House bill did not include a provision on this matter.

Sec. 115.—The conference agreement includes a new provision, similar to language included in the Senate bill under section 116 and similar to H.R. 1683 as passed by the House of Representatives on September 23, 1997, that recommends amendments to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Improvement Act, to give States greater flexibility in creating and implementing individual sex offender registration programs. The House bill did not include a provision on this matter.

Sec. 116.—The conference agreement includes section 116, as proposed in the Senate bill under section 117, that extends and expands the entrepreneurial visa pilot program under the Immigration and Nationality Act. The House bill did not include a provision on this matter.

Sec. 117.—The conference agreement includes section 117, similar to language proposed in the Senate bill, that provides for enhanced security at a government-leased facility housing Federal employees in Albuquerque, New Mexico. The conferees expect the Attorney General, through contracts with the U.S. Attorneys and the U.S. Marshals, to provide for security upgrades for

the period of time that Department of Justice employees are occupants of this building. After that time, the General Services Administration is directed to provide this enhanced security for the remaining Federal tenants located in this building. The House bill did not include a provision on this matter.

Sec. 118.—The conference agreement includes section 118, as proposed in the Senate bill, that authorizes the transfer to State and local governments certain surplus property for use for law enforcement or fire and rescue purposes. The House bill did not include a provision on this matter.

Sec. 119.—The conference agreement includes section 119, as proposed in the Senate bill under section 126, that amends the current Community Oriented Policing Services (COPS) statute to allow up to 20 percent of funds provided in each fiscal year to be available for the COPS MORE program. The House bill did not include a provision on this matter.

Sec. 120.—The conference agreement includes section 120, as proposed in the Senate bill under section 128, that amends the Antiterrorism and Effective Death Penalty Act of 1996 to delay until October 1, 1999 the effective date of changes made by Section 233 of the Act dealing with the compensation of victims of terrorism. The House bill did not contain a provision on this matter.

Sec. 121.—The conference agreement includes section 121, as proposed in the Senate bill under section 129, that requires the Attorney General to submit a report within 180 days after the enactment of this Act, which includes a plan for the implementation of a requirement that prior to the release of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor, or for a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database. The House bill did not contain a provision on this matter.

Sec. 122.—The conference agreement includes section 122, that allows the Director of the FBI, with approval of the Attorney General, to design and implement over a three year period, a new system of pay, classification, and personnel management for up to 3,000 non-Special Agent scientific, technical, engineering, intelligence analyst, language translator and medical positions. This provision replaces language included in the Senate bill that would have exempted all non-Senior Executive Service FBI employees from the provisions of Title 5, United States Code. The House bill did not include a provision on this matter.

The conferees agree that the scope of this new provision is more limited and focused on selected categories of non-Special Agent positions that are considered by the conferees to be especially critical to the current and future success of the FBI's counterterrorism and technology crimes initiatives. During House and Senate Appropriations hearings on counterterrorism, the FBI expressed the difficulty it is experiencing in recruiting experienced professionals for certain highly-competitive specialty positions, a situation that, if not corrected, could negatively impact the Bureau's ability to investigate terrorists and organized criminal groups that often use technology to commit crimes or impede law enforcement efforts. In addition, the conferees note that the Department of Justice Inspector General identified serious weaknesses in the management and operations of the FBI laboratory and as a result

of the findings in this report, the Director of the FBI concluded that Title 5, United States Code, impeded his ability to recruit and retain scientific and technical personnel to improve the laboratory's operations. This provision will enable the Director to address these concerns.

The conferees agree that positions encompassed by this authority, include professional positions currently classified in accordance with standards issued by the Office of Personnel Management under the GS-0132, 0334, 0391, 0401, 0801, 0808, 0810, 0830, 0850, 0854, 0855, 0856, 1040, 1301, 1320, 1321, 1520, and 1550 occupational groups. In addition, within 90 days of enactment, the Director must provide to the relevant Committees of Congress, an operating plan that identifies the provisions of Title 5 that impede effective human resources management in the Bureau and that describes the personnel system that will be established under this authority. The conferees further agree that any performance management system adopted by the Director shall include at least two levels of performance above a retention standard. This will ensure that no "pass/fail" system will impede the Bureau's ability to recognize outstanding performance by its employees. In addition, the provision requires the submission of an evaluation of the new personnel system established by March 31, 2000, including both a comparison with other laboratories operated by Federal agencies and a cost comparison with private sector laboratories which provide similar services on a commercial basis. This cost comparison is to be conducted consistent with standards articulated in Office of Management and Budget Circular A-76.

The conference agreement also includes establishment of a similar hiring demonstration project for up to 950 employees of the Department of the Treasury, under the existing procedures of Chapter 47, Title 5, United States Code.

Sec. 123.—The conference agreement includes section 123, that makes technical and limited changes to the Prison Litigation Reform Act of 1995, in order to clarify Congress' earlier stated intent of this legislation. The changes include replacing the word "permits" with "requires" to make clear that "state or local official" includes individual state legislators, or a unit of government with regard to who is entitled to intervene as a right, in a district or appellate court, to challenge prisoner release orders or seek their termination. It is intended that a court should implement the intervention provisions in a manner that gives them their full effect by ruling in a timely fashion on such motions and that delaying a ruling on the intervention prevention should not be used as justification for avoiding the automatic stay. The provision also includes a change in subsection (b)(3) that corrects the confusing use of the word "or" to describe the limited circumstances when a court may continue prospective relief in prison conditions litigation to make clear that a constitutional violation must be "current and ongoing". These dual requirements are necessary to ensure that court orders do not remain in place on the basis of a claim that a current condition that does not violate prisoners' Federal rights nevertheless requires a court decree to address it, because the condition is somehow traceable to a prior policy that did violate Federal rights, or that government officials are "poised" to resume a prior violation of federal rights. If an unlawful practice resumes or if a prisoner is in imminent danger of a constitutional violation, the prisoner

has prompt and complete remedies through a new action filed in State or Federal court and preliminary injunctive relief. Changes are also included to make clear that mandamus relief is available to compel the court to issue a ruling on a pending motion and to provide the courts additional time (60 days) to rule on motions to terminate before the automatic stay takes effect.

Sec. 124.—The conference agreement includes section 124, that amends the requirements for transfer of surplus balances in the Department of Justice Assets Forfeiture Fund. The House and Senate bills did not include a provision on this matter.

Sec. 125.—The conference agreement includes a provision that extends the visa waiver pilot program until April 30, 1998.

Sec. 126.—The conference agreement includes a provision that extends through May 1, 1998 the Department of State Consolidated Immigrant Visa Processing Center on-line access to the Interstate Identification Index of the National Crime Information Center and the requirement that the Secretary of State submit certain fingerprints relating to applications for immigrant visas to the Federal Bureau of Investigation.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes \$23,450,000 for the salaries and expenses of the Office of the United States Trade Representative, instead of \$22,700,000 as proposed in the House bill, and \$22,092,000 as proposed in the Senate bill, an increase of \$2,001,000 above the fiscal year 1997 level.

The conferees note that on September 16, 1997, a budget amendment was submitted requesting an additional \$1,700,000 above the original request for the following: (1) increased enforcement activities; (2) increased negotiation activities related to Latin America, Asia, and the World Trade Organization; and (3) creation of a new office within the USTR. The conference agreement provides \$1,358,000 of the amount requested in the budget amendment for the following activities: (1) increased personnel to vigorously defend and prosecute trade cases on behalf of the United States in dispute settlement proceedings in the World Trade Organization and other trade fora, as well as to increase the USTR's notifications to and consultations with the Congress and other interested parties regarding such proceedings and on on-going trade negotiations, including the possible effects of such proceedings and negotiations on Federal, State, and local laws; and (2) increased personnel for Latin American, Asian, and the World Trade Organization negotiations.

The conference agreement also includes bill language limiting the number of political appointees to not more than 25 positions by May 1, 1998. The Senate bill contained a similar provision providing a limitation of not more than 15% of the total number of full-time equivalent positions, while the House bill did not address this matter.

To assist the U.S. Trade Representative in litigation before international panels, the conferees urge the USTR to permit participation of non-governmental U.S. persons in the development of U.S. positions and in the preparation for consultations and dispute settlement proceedings, provided that such

persons are supportive of the United States Government's position in the proceedings and have a direct interest in the matter in dispute, and provided that the United States Government does not pay for any litigation expenses incurred by such persons. The conferees urge that such persons be permitted to participate in international consultations and dispute settlement proceedings where the USTR believes such participation would assist in the U.S. prosecution or defense in the proceedings.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$41,200,000 for the salaries and expenses of the International Trade Commission (ITC) for fiscal year 1998, instead of \$41,400,000 as proposed in the House bill and \$41,000,000 as proposed in the Senate bill.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes \$283,066,000 in new budgetary resources for the operations and administration of the International Trade Administration for fiscal year 1998, instead of \$279,500,000 as proposed by the House bill, and \$280,736,000 as recommended in the Senate bill. In addition to this amount, the conference agreement assumes \$4,800,000 in unobligated prior year carryover, resulting in a total fiscal year 1998 availability of \$287,866,000.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	\$58,986,000
Market Access and Compliance	17,340,000
(Trade Compliance Center)	(3,000,000)
Import Administration	28,770,000
U.S. & F.C.S.	171,070,000
Executive Direction and Administration	11,700,000
Carryover	(4,800,000)
Total, ITA	283,066,000

The conference agreement includes a new budget structure for the ITA, which delineates funding for policy and administrative overhead expenses into a new separate component within ITA. For years, the ITA has attempted to thwart congressional intent in the distribution of funds provided to each ITA component by using the practice of administrative and executive tithing against ITA program components in order to redistribute funding for ITA programs. Therefore, the conferees have adopted and expanded the approach taken in the House bill to address these problems by including bill language designating the amounts provided in fiscal year 1998, including carryover, for each component and activity in ITA, in addition to creating a new Executive Direction and Administration activity. The conferees expect the fiscal year 1999 budget submission to include a separate activity for Executive Direction and Administration. Further, the conferees direct that centralized services (i.e. rent and utilities payments, the Office of the General Counsel and Departmental administrative support services) be proportionately charged to each activity based on actual usage, and direct that the practice of redistributing resources through such administrative charges cease immediately upon enactment of this Act. The conferees direct that the ITA submit a report to the Committees on Appropriations no later than Decem-

ber 15, 1997 on the distribution of fiscal year 1998 centralized services charged against each ITA activity, as well as for the Trade Compliance Center.

Executive Direction and Administration.—The conference agreement includes \$11,700,000 for this activity, a \$220,000 increase over the amount expended for this activity in fiscal year 1997 through tithes against the other ITA components. The following offices and activities are included under this new line item: the Office of the Under Secretary, the Office of the Deputy Under Secretary, the Office of Public Affairs, the Office of Legislative and Intergovernmental Affairs, the Director of Administration, Office of Financial Management, Office of Organization and Management Support, Office of Human Resources Management, and the Office of Information Resources Management.

Previously, funding for these offices was derived through assessments levied against each of the ITA's four program activities. In the interest of budget clarity, the conference agreement has provided a separate amount for these policy and overhead functions, and has reduced the four ITA components by \$11,700,000 as follows: (1) \$3,080,000 from Trade Development; (2) \$1,360,000 from Market Access and Compliance; (3) \$2,130,000 from the Import Administration; and (4) \$5,130,000 from the U.S. and Foreign Commercial Service. The conferees expect that all support for these offices and their functions included under the new Executive Direction and Administration activity will be fully supported through this discrete line item and expect that no direct or indirect assessments will be levied against the other components of ITA.

Trade Development (TD).—The conference agreement provides \$58,986,000 for this activity. Of the amounts provided, \$46,396,000 is provided for the base program, an increase of \$1,776,000 above the amounts available to TD programs in fiscal year 1997 exclusive of assessments against TD to support Executive Direction and Administration functions. The conferees direct a \$400,000 reduction in funding for the Advocacy Center and assume the Center will refocus its activities toward small and medium-sized businesses. In addition, within the amounts provided, \$9,000,000 is for the National Textile Center consortium to continue funding for the current participants as well as to expand the program to include the Philadelphia College of Textiles, and \$3,000,000 is provided for the Textile/Clothing Technology Corporation. Further, the conference agreement includes continued funding for the Access Mexico program at the level recommended in the Senate report, and provides \$500,000 for continuation of the international global competitiveness initiative, and \$2,500,000 for the Market Cooperator Development program.

Market Access and Compliance (MAC).—The conference agreement includes a total of \$17,340,000, of which not less than \$3,000,000 is for the Trade Compliance Center (TCC) and \$14,340,000 is for the base MAC program. This amount provides an \$875,000 increase for the base MAC program over the fiscal year 1997 level exclusive of assessments in MAC for Executive Direction and Administration functions. The conferees expect the full \$3,000,000 to be made available to the TCC and do not expect such funds to be diverted to directly or indirectly support other MAC activities. The conferees warn the ITA that should such diversion occur, the conferees are prepared to separate out the TCC into a separate ITA appropriation in fiscal year 1999.

Import Administration.—The conference agreement provides \$28,770,000 for the Import

Administration, an increase of \$1,242,000 over the fiscal year 1997 funding level exclusive of assessments for Executive Direction and Administration functions.

U.S. and Foreign Commercial Service (U.S. & FCS).—The conference agreement includes \$171,070,000 for the programs of the U.S. & FCS, an increase of \$7,821,000 over the fiscal year 1997 funding level exclusive of assessments for Executive Direction and Administration functions. Within these amounts, the conferees have included \$1,000,000 to be used in accordance with the direction in the House report regarding the Rural Export Initiative and an initiative utilizing electronic commerce to assist small businesses increase export opportunities.

Unfair Trade Practices.—The conferees are concerned that relief provided against unfair trade practices is ineffective where foreign producers sell through related party importers in the United States and continue their unfair trade practices. Accordingly, the conferees expect the Import Administration to provide the House and Senate Appropriations Committees, within sixty days of enactment of this Act, a report identifying the statutory and administrative changes necessary to resolve this issue once an antidumping or countervailing duty order is established.

Trade Missions.—The conferees concur in the recommendations of the House report regarding the establishment and enforcement of a transparent trade mission policy, as well as the concerns over the fragmentation of trade policy and promotion activities. Therefore, the conferees expect the Department to follow the direction included in the House report regarding these matters.

Security Upgrades.—The conferees expect the ITA to comply with the direction included in the House report regarding the expenditure of funds provided in fiscal year 1997 for security upgrades at ITA facilities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes \$43,900,000 for the Bureau of Export Administration (BXA), instead of \$41,000,000 as proposed in the House bill, and \$43,126,000 as proposed in the Senate bill. The conference agreement provides increases over the fiscal year 1997 regular appropriation for the following activities: (1) \$3,900,000 to continue the counterterrorism activities provided for through emergency appropriations in fiscal year 1997; (2) \$926,000 for new export control responsibilities transferred from the Department of State in fiscal year 1997; and (3) \$1,174,000 for BXA to begin activities related to its responsibilities under the Chemical Weapons Convention (CWC) Treaty. The conferees have not provided the full amount requested for the CWC Treaty due to the delays in the enactment of the necessary implementing legislation. Should additional resources be required, the Committees would be willing to entertain a reprogramming to meet the additional requirements.

In addition, the conference agreement provides \$1,900,000 to reimburse the Department of Defense's On-Site Inspection Agency (OSIA) for inspection support to teams of international inspectors at commercial facilities for CWC Treaty implementation, instead of \$3,500,000 requested in the budget amendment submitted August 12, 1997, due to reduced requirements as a result of the delay in enactment of implementing legislation.

ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes \$340,000,000 for the Economic Development

Administration grant programs as proposed in the House bill, instead of \$250,000,000 as proposed in the Senate bill.

Of the amounts provided, \$178,000,000 is for the Title I Public Works program, \$29,900,000 is for Title IX Economic Adjustment Assistance, \$89,000,000 is for Defense Conversion, \$24,000,000 is for planning, \$9,100,000 is for technical assistance, including university centers, \$9,500,000 is for trade adjustment assistance, and \$500,000 is for research. The conferees expect EDA to follow the direction in the House report regarding assistance to communities impacted by coal industry downswings and timber industry downturns.

SALARIES AND EXPENSES

The conference agreement includes \$21,028,000 for salaries and expenses for the EDA, instead of \$21,000,000 as proposed in the House bill, and \$22,028,000 included in the Senate bill. The conference agreement assumes EDA will use either the Salaries and Expenses appropriation or the revolving fund (under 42 U.S.C. 3143) to pay the salaries and expenses related to protection of loan collateral and grant property.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes \$25,000,000 for the programs of the Minority Business Development Agency (MBDA), as proposed in the House bill, instead of \$27,811,000 included in the Senate bill. The conferees direct that reductions from the current levels be allocated proportionately between program administration and program delivery (e.g. Business Development Centers).

The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program at the current level, as directed in the House report, and will follow the direction in the Senate report regarding Black Dollar Days.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conferees have provided \$47,499,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of \$46,000,000 as proposed in the House bill and \$47,917,000 included in the Senate bill. The conference agreement adopts the directive included in the House report regarding the Integrated Environmental-Economic Accounting or "Green GDP" initiative.

ECONOMICS AND STATISTICS ADMINISTRATION

REVOLVING FUND

The conference agreement includes language allowing the dissemination of economic and statistical data products at full cost as proposed in both the House and Senate bills.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

The conference agreement includes \$137,278,000 for the Bureau of the Census Salaries and Expenses account, instead of \$136,499,000 as proposed in the House bill and \$138,056,000 as proposed in the Senate bill.

The conferees expect the Bureau to be fully reimbursed for any survey requested by any other Federal agency or private organization. In addition, the conferees expect the Office of Management and Budget and the Bureau of the Census to take the necessary appropriate actions to resolve the concerns expressed in the Senate report regarding metropolitan statistical areas.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides \$555,813,000 for the Census Bureau's Periodic Censuses and Programs account, instead of \$550,126,000 as proposed in the House bill, \$520,726,000 as recommended in the Senate bill, and \$523,126,000 as requested in the budget.

Decennial Census.—The recommendation includes \$389,887,000 as a separate appropriation under this account for fiscal year 1998 for decennial census programs, an increase of \$8,087,000 above the House bill, and \$35,087,000 above the Senate bill and the budget request. The increase above the request has been provided as follows: \$27,000,000 for the Census Bureau to plan and develop a contingency plan in the event sampling is not used in the 2000 decennial census; \$4,087,000 for modifications to the dress rehearsal; and \$4,000,000 to be transferred to the Census Monitoring Board, authorized in section 210 of this Act.

Other Periodic Programs.—The conferees have included the following amounts for non-decennial census periodic programs:

Economic Censuses	\$63,700,000
Census of governments	2,836,000
Intercensal Demographic estimates	5,200,000
Continuous measurement ..	16,600,000
Sample redesign	3,800,000
CASIC	6,000,000
Geographic support	43,000,000
Data processing systems ...	24,790,000
Total	165,926,000

Continuous Measurement.—The conferees share the concerns expressed in both the House and Senate reports about this program, and direct the Bureau to comply with the direction included in both reports regarding this program.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes \$16,550,000 for the National Telecommunications and Information Administration (NTIA) salaries and expenses, instead of \$17,100,000 as proposed in the House bill, and \$16,574,000 as proposed in the Senate bill. In addition, the conference agreement assumes that NTIA will receive an additional \$7,500,000 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies.

The conference agreement includes \$1,750,000 for NTIA's portion of the second year costs associated with the International Telecommunications Union plenipotentiary conference, and \$148,000 for the requested privacy initiative.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes \$21,000,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of \$16,750,000 as proposed in the House bill, and \$25,000,000 as proposed in the Senate bill. The conferees intend for this funding to be used for the existing equipment and facilities replacement program. The conference agreement allows up to \$1,500,000 of this amount to be used for program administration, as provided in both the House and Senate bills. The conference agreement also includes a new provision as proposed in the Senate bill, making the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program eligible to compete for funding under this account.

In addition, the conference agreement renames the title of this account to the Public Telecommunications Facilities, Planning and Construction program, instead of the Public Broadcasting Facilities, Planning and Construction program.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes \$20,000,000 for NTIA's Information Infrastructure Grant program, instead of \$21,490,000 as recommended in the House and Senate bills.

The conferees note that the Senate bill increased funds for this account through an across-the-board reduction in other accounts in this title, reductions which are not adopted in the conference agreement. In addition, the conferees note that the recent actions by the Federal Communications Commission to implement the universal service fund requirements of the Telecommunications Act of 1996 should reduce the funding requirements under this account. Consequently, the conference agreement slightly reduces funding for this account.

As proposed in the House bill, within the amount provided, the conference agreement designates \$3,000,000 for program administration and allows not to exceed five percent of the total amount provided to be used for certain telecommunications research activities. The Senate bill did not address these matters.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of \$716,000,000 for the Patent and Trademark Office (PTO) in fiscal year 1998, instead of \$704,000,000 as proposed in the House bill, \$683,320,000 as recommended in the Senate bill, and \$656,320,000 requested in the budget. The conference agreement assumes a total of \$664,000,000 to be derived in offsetting fee collections, \$27,000,000 in direct appropriations, and \$25,000,000 in carryover of prior year funds. Under the conference agreement, total funds available to the PTO are increased by \$59,680,000 over the budget request, \$32,680,000 over the Senate bill, and \$12,000,000 over the House bill.

The conference agreement eliminates the cap on fees available to the PTO contained in the Senate bill. Under the Senate bill, fees collected in excess of \$629,320,000 would have returned to the Treasury rather than being retained by the PTO, resulting in a \$34,680,000 loss to the PTO. Instead, the conference agreement includes new language allowing all fees collected by the PTO to remain with the PTO to support its activities, and making the full amount of fiscal year 1998 estimated fee collections available to the PTO in fiscal year 1998. Fees collected in excess of the PTO's current estimate of collections will remain with PTO and be available to the PTO on October 1, 1998. Such language is consistent with the language included in all other fee-funded agencies in this bill, and ensures that all fee revenues collected remain with the agency while ensuring appropriate oversight of PTO's budget to ensure that such funds are used by the PTO in a manner which best serves the needs of the user community.

The conferees are aware that the Office of the Inspector General has issued an audit report concluding that the PTO is not maintaining adequate controls over the quality of patent examinations. The OIG recommends restoring funds to the Office of Patent Quality Review, which has been severely weakened by budget decisions by the PTO, so that the Office can continue their independent assessments of patent quality as they have in

the past. Since public confidence in the quality of issued patents is essential to maintaining the integrity of the patent system, the conferees fully expect the PTO to comply with the OIG's recommendation and restore the Office to full strength, and to report back to the Committees on this matter not later than December 15, 1997.

SCIENCE AND TECHNOLOGY TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes \$8,500,000 for the Technology Administration (TA), as proposed in the House bill, instead of \$8,800,000 as proposed in the Senate bill. Of this amount, \$1,600,000 is for the Experimental Program to Stimulate Competitive Technology (EPSCoT), and bill language is included making these funds available for two years as recommended in the House bill. In addition, the conference agreement adopts the recommendations in both the House and Senate reports denying funds for any new foreign policy initiatives. However, the conference agreement assumes the TA will continue existing agreements at no more than the current level of support, but the conferees direct the Technology Administration not to enter into any new international technology agreements, expand any existing agreements, or extend any expiring agreements. The conferees would be willing to permit the TA to provide technical assistance to other agencies, more appropriately involved in foreign assistance programs, for such agreements, provided TA is fully reimbursed from funds from other Federal sources outside the Department of Commerce's budget.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes \$276,852,000 for the internal (core) research account of the National Institute of Standards and Technology as proposed in the Senate and House bills.

The conference agreement provides \$268,052,000 for the core research programs within NIST, the same amount provided in fiscal year 1997, in accordance with the distribution in the fiscal year 1997 conference report. Such distribution should be used as a basis for reprogramming of funds for activities provided in this account. In addition, the conferees concur with the recommendation included in the Senate report regarding funding for the Malcolm Baldrige Award, and thus have provided no funds for expansion of this program to other areas in fiscal year 1998, as such expansion would result in reductions in core NIST activities.

Further, in light of recent wind related disasters in the southwest United States which have resulted in significant loss of life and property, the conference agreement includes \$3,800,000 in the bill for research to be conducted at Texas Tech University on protective structures and other technologies which are designed to save lives threatened by tornadoes and severe wind storms. Texas Tech is uniquely positioned to conduct this research because of its nationally recognized interdisciplinary wind engineering program and its location in a region which has experienced repeated wind disasters. In addition, the conference agreement also includes \$5,000,000 for a cooperative agreement with Montana State University for research on

building products, processes and technologies which utilize underused natural resources and environmentally sound technologies. The conferees direct that funds provided for these two activities shall not be used for the design or construction of facilities.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes \$306,000,000 for the NIST external research account instead of \$298,600,000 as proposed in the House bill and \$311,040,000 as proposed in the Senate bill.

Manufacturing Extension Partnership Program.—The conference agreement includes \$113,500,000 for the Manufacturing Extension Partnership Program (MEP) as proposed in the House bill, instead of \$111,040,000 as proposed in the Senate bill. Of these amounts, \$103,000,000 is for continued support for all existing Regional Centers, including the roll-over costs of the remaining Centers originally funded under the Defense Department's Technology Reinvestment Program, as well as those Centers which have reached their statutory six-year time limit; \$2,000,000 is for continuation of the existing SBDC-manufacturing field offices; and \$8,500,000 is for management and administration. The conference agreement does not include any funds for special projects related to supply chain optimization, information technology, and technology infusion. While these projects are worthwhile, the conferees are concerned that these programs are not required to meet the same requirements as the Regional Centers program, including cost share requirements. Given that many of these projects are targeted to selected industry sectors and problems, the conferees expect that MEP Centers should be able to obtain the funds for these purposes from local, State, or private-sector sources.

The conference agreement also contains language, included in the Senate bill, that extends for one year NIST's support for the Regional Centers beyond the statutory six-year period, subject to certain conditions. The House bill contained no extension. The conferees note that this program, as well as other NIST programs, have remained unauthorized for a number of years. The House most recently passed NIST authorization legislation (H.R.1274) earlier this year which would waive the statutory sunset on manufacturing centers. The Senate has not passed a companion bill. The conferees had hoped that an authorization bill would be enacted prior to fiscal year 1998, obviating the need to address this issue in the appropriations bill. As stated in the fiscal year 1997 conference report, the conferees continue to believe this issue is best addressed through the authorization process. Therefore, while the conferees have included a one-year waiver of the sunset requirement to bridge the gap until a NIST authorization is enacted, the conferees fully expect enactment of appropriate authorization legislation prior to fiscal year 1999, and thus do not plan to continue waiving such sunset requirements through the appropriations process. In addition, the conferees direct the Secretary of Commerce to review this program and provide recommendations to the Committees for assisting the Regional Centers to become self-supporting after their sixth year of operation, and expect a report from the Secretary to be submitted with the fiscal year 1999 budget submission.

Advanced Technology Program.—The conference agreement includes \$192,500,000 for the Advanced Technology Program (ATP), instead of \$185,100,000 as proposed in the

House bill and \$200,000,000 as proposed in the Senate bill. The recommendation provides the following distribution for fiscal year 1998 funds: (1) \$68,000,000 for continuation of prior year awards made using funds provided in fiscal years 1996 and 1997; (2) \$82,000,000 for new awards in fiscal year 1998; and (3) \$42,500,000 for administration, internal NIST lab support and Small Business Innovation Research requirements. In addition, language is included in the bill designating the amounts available for new ATP awards, similar to language included in the House bill.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides \$95,000,000 for construction, renovation and maintenance of NIST facilities, instead of \$111,092,000 as proposed in the House bill, and \$16,000,000 included in the Senate bill.

The conferees concur in the direction included in the House report regarding the development of a long-term facilities plan for NIST which includes maintenance, rehabilitation and new construction requirements, and have included bill language making \$78,308,000 of the funds provided in this account available upon submission of a spending plan which corresponds to NIST's long-term facilities plan.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding of \$2,002,139,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of \$1,850,392,000 as proposed by the House, and \$2,101,555,000 as proposed by the Senate. Of these amounts, the conferees have included \$1,512,050,000 in the Operations, Research, and Facilities (ORF) account, \$491,609,000 in the new Procurement, Acquisition and Construction (PAC) account, and \$1,480,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes \$1,512,050,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of \$1,391,400,000 as proposed by the House and \$1,999,052,000 as proposed in the Senate bill. In addition, the conference agreement allows \$3,000,000 in offsetting fees related to the aeronautical charting program to be collected to offset this amount, resulting in a final direct appropriation of \$1,509,050,000 instead of \$1,388,400,000 as proposed by the House and \$1,996,052,000 as proposed in the Senate bill.

The conference agreement reflects significant changes in the account structure for NOAA, through the creation of a new separate account for procurement, acquisition, and construction activities. Activities, including systems acquisition and new construction, which previously had been funded within the NOAA Operations, Research, Facilities (ORF) account are now provided for in a new account under the heading "Procurement, Acquisition and Construction." In addition, non-capital acquisition activities previously provided for in the NOAA "Construction" and "Fleet Modernization, Shipbuilding, and Conversion" accounts have been provided for within the ORF account, as proposed. Language is included in the bill, as requested, to make the necessary technical changes to reflect the establishment of this new account. While the conferees have adopted this new budget structure, the conferees do not intend to impede the agency's ability to meet its operational and programmatic requirements through transfers

between the ORF and PAC accounts. The PAC account is intended to assist the agency and Congress in evaluating NOAA's long-term needs for systems and facilities acquisition in a timely and cost-effective manner.

In addition to the new budget authority provided, the conference agreement allows a transfer of \$62,381,000 from balances in the account titled "Promote and Develop Fishery Products and Research Related to American Fisheries," as proposed in the Senate bill, instead of \$63,881,000 as proposed by the House. This amount is equal to the budget request, and will support a \$4,000,000 Saltonstall-Kennedy grant program, in addition to \$2,000,000 in carryover available in the grant program from fiscal year 1997. The total amount provided also includes a transfer of \$5,200,000 from the Damage Assessment Revolving Fund, as included in the budget

request. In addition, the conference agreement assumes NOAA will use \$1,700,000 from the Federal Ship Financing Fund to cover administrative expenses related to that account, and reflects prior year deobligations and carryover funding totaling \$24,000,000.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision. The conference agreement adopts the direction included in the House report regarding the development of a revised budget structure for NOAA in consultation with the House and Senate Appropriations Committees, as well as the direction included in both the House and Senate reports concerning financial and budgetary management deficiencies at NOAA.

NOAA Commissioned Corps.—The conference agreement includes language setting the ceiling on the number of commissioned corps officers in fiscal year 1998 at not more than 283 by September 30, 1998, instead of a ceiling of 270 officers as included in the House bill, and 299 as included in the Senate bill.

Unless specifically stated otherwise in this Statement of the Committee of the Conference, directions included, and amounts expended, from the NOAA Operations, Research and Facilities account are to be allocated in accordance with the recommendations previously described in the Committee reports of the House and Senate.

The following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998

(In thousands of dollars)

	FY97 Enacted	Budget request	House	Senate	Conference
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting	32,000	30,100	30,100	30,100	30,100
Address Survey Backlog	6,000	6,000	13,900	6,000	13,900
Subtotal	38,000	36,100	44,000	36,100	44,000
Geodesy	20,167	19,159	21,100	19,659	20,700
Tide and Current Data	12,500	11,000	11,350	11,300	11,350
Acquisition of Data	18,200	14,546	14,500	16,046	14,546
Total, Navigation Services	88,867	80,805	90,950	83,105	90,596
Ocean Resources Conservation Assessment:					
Estuarine and Coastal Assessment	2,674	2,674	2,674	2,674	2,674
Ocean Assessment Program	27,300	28,425	28,600	35,375	35,300
Damage Assessment	2,200	3,000	3,000	3,000	3,000
Transfer from Damage Assessment Fund	5,276	6,700	6,700	6,700	6,700
Oil Pollution Act of 1990	1,000	1,000	1,000	1,000	1,000
Ocean Services	2,500	2,800	2,500	2,800	2,500
Oceanic and Coastal Research				7,910	7,910
Subtotal	40,950	44,599	44,474	59,459	59,084
Coastal Ocean Program	15,200	15,200	17,200	15,200	17,200
Total, ORCA	56,150	59,799	61,674	74,659	76,284
Ocean and Coastal Management:					
Coastal Management:					
CZM Grants	46,200	65,732	55,000	49,732	49,700
Estuarine Research Reserve System	1,300	4,300	1,000	12,900	5,650
Nonpoint Pollution Control		1,000	1,000		1,000
Program Administration					4,500
Subtotal	47,500	71,032	57,000	62,632	60,850
Marine Sanctuary Program	11,685	13,200	14,000	14,500	14,000
Total, Ocean & Coastal Management	59,185	84,232	71,000	77,132	74,850
Total, NOS	204,202	224,836	223,624	234,896	241,730
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information	91,330	92,992	88,344	99,947	99,300
Antarctic Research	1,200	1,200	1,200	1,200	1,200
Chesapeake Bay Studies	1,890	1,500	1,890	1,890	1,890
Right Whale Research	250	200	250	1,000	400
MARFIN	3,000	3,000	3,000	5,000	3,500
SEAMAP	1,200	1,200	1,200	1,200	1,200
Alaskan Groundfish Surveys	661	661	661	961	950
Bering Sea Pollock Research	945	945	945	945	945
West Coast groundfish	780	780	780	780	780
New England Stock Depletion	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan	500		500		500
Yukon River Chinook Salmon	700	700	700	700	700
Atlantic Salmon Research	710	710	710	960	710
Gulf of Maine Groundfish Survey	567	567	565	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Habitat Research/Evaluation	450	450	450	450	450
Pacific Salmon Treaty Program	5,587	5,587	5,587	5,587	5,587
Fisheries Cooperative Institute	410	410	410		
Hawaiian Monk Seals	500	500	500	500	550
Steller Sea Lion Recovery Plan	1,770	1,440	1,440	2,770	2,770
Hawaiian Sea Turtles	248	248	243	248	248
Bluefish/Striped Bass	785		800		800
Haitbut/Sablefish	1,200	1,200	1,200	1,500	1,200
Gulf of Mexico Mariculture	300				
Summer Flounder				250	
Subtotal	116,233	115,540	112,625	128,255	125,497
Fishery Industry Information:					
Fish Statistics	13,000	13,400	13,000	13,400	13,000
Alaska Groundfish Monitoring	5,200	5,200	5,200	5,500	5,500
PACFIN/Catch Effort Data	3,000	3,000	4,700	4,700	4,700
Recreational Fishery Harvest Monitoring	3,400	3,100	3,900	5,000	3,900
Subtotal	24,600	24,700	26,800	28,600	27,100

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998—Continued

(In thousands of dollars)

	FY97 Enacted	Budget re- quest	House	Senate	Conference
Information Analyses and Dissemination	20,900	21,200	20,900	21,200	20,900
Computer Hardware and Software	4,000	4,000	4,000	4,000	4,000
Subtotal	24,900	25,200	24,900	25,200	24,900
Acquisition of Data	26,840	25,098	26,800	25,098	25,098
Total, Information Collection and Analysis	192,573	190,538	191,125	207,153	202,595
Conservation and Management Operations:					
Fisheries Management Programs	22,000	29,300	24,500	30,000	27,250
Columbia River Hatcheries	10,955	10,300	10,300	10,955	12,055
Columbia River Endangered Species	288	288	288	288	288
Regional Councils	10,200	11,700	11,700	13,000	11,900
International Fisheries Commissions	950	400	400	400	400
Management of George's Bank	478	478	461	478	478
Beluga Whale Committee	200	200	200	200	200
Pacific Tuna Management	1,900	1,500	1,000	1,900	2,300
Chinook Salmon Management				1,884	
Subtotal	46,971	54,166	48,849	59,105	54,871
Protected Species Management	5,700	6,750	5,700	7,950	6,200
Driftnet Act Implementation	3,278	3,278	3,278	3,278	3,278
Marine Mammal Protection Act	9,125	9,500	9,500	9,500	9,500
Endangered Species Act Recovery Plan	13,500	20,200	15,500	20,200	20,200
Fishery Observer Training	417		417	417	417
East Coast Observers	350	350	350	350	350
Subtotal	32,370	40,078	34,745	41,695	39,945
Habitat Conservation	8,000	9,800	8,000	9,800	8,500
Enforcement & Surveillance	16,500	18,200	17,000	18,200	17,600
Total, Conservation, Management & Operations	103,841	122,244	108,594	128,800	120,916
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants	2,600	2,600	2,600	3,500	2,600
Anadromous Grants	2,108	2,108	2,100	3,000	2,100
Anadromous Fishery Project		250		250	
Interstate Fish Commission	5,000	4,000	6,000	8,000	6,750
Subtotal	9,708	8,958	10,700	14,750	11,450
Fisheries Development Program:					
Product quality and safety/Seafood Inspect	14,624	14,624	14,624	12,674	10,524
Hawaiian Fisheries Development	750			750	750
Marine Biotechnology	1,900	1,900	1,900		
Salmon license buy-back				3,500	
Washington crab license buy-back				8,500	
Subtotal	17,274	16,524	16,524	25,424	11,274
Total, State and Industry Programs	26,982	25,482	27,224	40,174	22,724
Total, NMFS	323,396	338,264	326,943	376,127	346,235
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal	8,000	12,900	12,900	12,900	12,900
Climate & Global Change Research	60,000	62,000	57,100	60,000	60,000
GLOBE	6,000	7,000			5,000
Subtotal	74,000	81,900	70,000	72,900	77,900
Long-term Climate & Air Quality Research	28,372	29,402	28,300	29,402	29,402
High Performance Computing	7,500	7,500	6,500	7,500	7,500
Subtotal	35,872	36,902	34,800	36,902	36,902
Total, Climate and Air Quality Research	109,872	118,802	104,800	109,802	114,802
Atmospheric Programs:					
Weather Research	33,613	33,613	33,613	37,413	37,413
Wind Profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	37,963	37,963	37,963	41,763	41,763
Solar/Geomagnetic Research	5,493	5,493	5,700	5,493	5,700
Total, Atmospheric Programs	43,456	43,456	43,663	47,256	47,463
Ocean and Great Lakes Programs:					
Marine Research Prediction	15,651	12,126	14,000	14,126	22,976
GLERL	5,200	5,200	5,200	6,000	6,000
GLERL/zebra mussel				2,000	
Lake Champlain study				300	
Tsunami hazard mitigation				2,300	
Subtotal	20,851	17,326	19,200	24,726	28,976
Sea Grant:					
Sea Grant college program	54,300	50,182	55,300	58,000	56,000
Oyster Disease				1,480	
Subtotal	54,300	50,182	55,300	59,480	56,000
National Undersea Research Program	12,000	5,400		15,000	15,000
Total, Ocean and Great Lakes Program	87,151	72,908	74,500	99,206	100,476
Acquisition of Data	12,690	12,884	14,500	15,384	15,000
Total, OAR	253,169	248,050	237,463	271,648	277,741

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 1998—Continued

(In thousands of dollars)

	FY97 Enacted	Budget request	House	Senate	Conference
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts	298,538	308,000	313,800	329,820	324,000
MARDI	91,462	73,674	73,674	73,674	73,674
Radiosonde Replacement	1,500	910	910	910	910
Susquehanna River Basin flood system	1,000	619	1,120	1,000	1,120
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Regional Climate Centers	2,000	2,000	2,000	2,000	2,000
Subtotal	430,096	418,799	426,190	441,000	435,300
Central Forecast Guidance	28,700	29,543	29,543	29,543	29,543
Atmospheric and Hydrological Research	2,000	2,489	2,489	2,489	2,489
Total, Operations and Research	460,796	450,831	458,222	473,032	467,332
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD	53,145	39,591	39,591	39,591	39,591
ASOS	10,056	5,341	5,341	5,341	5,341
AWIPS/NOAA Port	100,000	100,000	100,000	100,000	100,000
Computer Facilities Upgrades	14,000	8,000	8,000	8,000	8,000
Total, Systems Acquisition	177,201	52,932	52,932	52,932	52,932
Total, NWS	637,997	503,763	511,154	525,964	520,264
NAT'L ENVIRO SAT DATA INFO SERVICE					
Satellite Observing Systems:					
Polar Spacecraft Launching	147,300	147,300	147,300	147,300	147,300
Polar Convergence/IPO	29,000	51,503	15,000	51,503	34,000
Geostationary Spacecraft and Launching	171,480	171,480	171,480	171,480	171,480
Ocean Remote Sensing	4,000	3,800	1,000	5,000	4,000
Environmental Observing Systems	51,000	50,347	50,000	50,347	50,347
Total, Satellite Observing Systems	402,780	105,650	66,000	106,850	88,347
Environmental Data Management Systems	30,002	27,500	27,500	27,500	27,500
Data and Information Services	14,800	16,335	16,335	16,335	16,335
Regional Climate Centers				3,000	2,500
Total, EDMS	44,802	43,835	43,835	46,835	46,335
Total, NESDIS	447,582	149,485	109,835	153,685	134,682
PROGRAM SUPPORT					
Administration and Services:					
Executive Direction and Administration	19,000	19,911	14,200	19,986	19,200
Systems Acquisition Office	1,497	1,497	1,418	1,422	1,420
Subtotal	20,697	21,408	15,618	21,408	20,620
Central Administrative Support	33,000	31,850	31,850	31,850	31,850
Retired Pay Commissioned Officers	8,000	14,000	9,000	8,000	8,000
Total, Administration and Services	61,697	67,258	56,468	61,258	60,470
Aircraft Services	10,000	9,900	9,900	10,400	10,400
Rent Savings		(4,656)	(4,656)	(4,656)	(4,656)
Total, Program Support	71,697	72,502	61,712	67,002	66,214
Fleet Planning and Maintenance	8,000	11,823	2,500	15,823	13,500
Facilities:					
NOAA Facilities Maintenance	2,000	4,488	2,000	1,800	1,800
Sandy Hook Lease	1,750	2,000	2,000	1,750	2,000
Environmental Compliance	2,000	3,700	2,000	2,000	2,000
WFO Maintenance	1,000	2,950	2,950	1,000	1,000
Columbia River Facilities	4,700	4,465	3,000	4,465	4,465
Total, Facilities	11,450	17,603	11,950	10,015	11,265
Direct Obligations	1,957,493	1,566,326	1,485,181	1,655,160	1,611,631
Reimbursable Obligations	313,515	317,015	317,015	317,015	317,015
New Offsetting Collections (data sales)	1,200	2,400	2,400	2,400	2,400
Anticipated Offsetting Collections (aerocharts)	3,000	3,000	3,000	3,000	3,000
Subtotal, Reimbursables	317,715	322,415	322,415	322,415	322,415
Total Obligations	2,275,208	1,888,741	1,807,596	1,977,575	1,934,046
Financing:					
Deobligations	(14,000)	(24,000)	(24,000)	(24,000)	(24,000)
Unobligated Balance transferred, net		(1,500)	(2,000)	(1,500)	(1,500)
Federal Ship Financing Fund	(1,700)		(1,700)		(1,700)
Coastal Zone Management Fund					(7,800)
New Offsetting Collections (data sales)	(1,200)	(2,400)	(2,400)	(2,400)	(2,400)
Anticipated Offsetting Collections (aerocharts)	(3,000)	(3,000)	(3,000)	(3,000)	(3,000)
Federal Funds	(282,500)	(172,000)	(172,000)	(172,000)	(172,000)
Non-federal Funds	(31,015)	(145,015)	(145,015)	(145,015)	(145,015)
Subtotal, Financing	(333,415)	(347,915)	(350,115)	(347,915)	(357,415)
Budget Authority	1,941,793	1,540,826	1,457,481	1,629,660	1,576,631
Financing from:					
Promote and Develop American Fisheries	(66,000)	(62,381)	(63,881)	(62,381)	(62,381)
Damage Assess. & Restor. Revolving Fund	(5,276)	(5,200)	(5,200)	(5,200)	(5,200)
Appropriation, ORF	1,870,517	1,473,245	1,388,400	1,562,079	1,509,050

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of \$241,730,000 under this account for the activi-

ties of the National Ocean Service, instead of \$223,624,000 as recommended by the House, and \$234,896,000 recommended by the Senate.

Mapping and Charting.—The conference agreement provides \$44,000,000 for NOAA's mapping and charting programs, reflecting the conferees' continued commitment to the navigation safety programs of the NOS, and their concerns for the ability of the NOS to continue to meet its mission requirements over the long term. The conferees remain concerned that NOAA has not taken sufficient steps to plan for its long term mission requirements, given that overall fiscal constraints will likely preclude major investments to replace NOAA hydrographic vessels. It is clear that the future of NOAA's hydrographic program lies in increased outsourcing to meet its nautical charting needs. While the conferees understand the need for NOAA to ensure the quality, standards and specifications for nautical charts, the conferees are concerned that NOAA has not taken vigorous steps to make this transition to outsourcing as an alternative method of meeting its needs.

Therefore, the conference agreement includes \$13,900,000 as provided in the House bill under the line item Address Survey Backlog/Contracts exclusively for contracting out with the private sector for data acquisition needs. Further, the conferees believe that the purchase of equipment for the NOAA vessel RAINIER will enable NOAA to reduce the costs, including liability insurance costs, associated with contracting with private sector contractors using such equipment. Further, the conferees direct that NOAA provide a satisfactory long-term plan to the House and Senate Appropriations Committees and the House Resources and Senate Commerce, Science, and Transportation Committees, no later than February 1, 1998, to meet the Nation's nautical charting needs. Such plan shall include, at a minimum, the following: (1) NOAA's short and long-term plans for utilization of its existing hydrographic fleet, including the time line for decommissioning these vessels; (2) mechanisms and alternatives for NOAA to maintain a core set of capabilities for appropriate oversight, technical guidance, standards development and specifications for ensuring data quality; and (3) a plan to acquire not less than 50% of its hydrographic services through private contract or long-term leases by fiscal year 1999. The conferees expect NOAA to work with all interested parties in developing this plan.

Tide and Current Data.—The conference agreement includes \$11,350,000 for this activity in accordance with the direction included in the House report. The conferees do not anticipate, and will not consider, future requests for any operational assistance for any PORTS systems. Further, the conferees expect NOAA to submit the necessary legislation to the Congress that would ensure non-Federal support for the operation and maintenance of such systems.

Ocean Assessment Program.—The conference agreement includes \$35,300,000 for this activity. Within the amounts provided for ocean assessment, the conference agreement includes the following: \$13,800,000 for NOAA's Coastal Services Center, of which \$300,000 is available for a one-time grant for implementation of the Charleston Harbor project as detailed in the Senate report; \$5,900,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; \$1,000,000 to support coral reef studies in the Pacific and Southeast as described in the Senate report; \$1,000,000 to provide support for the Commission on Ocean Policy, a commission which will examine both Federal and non-Federal ocean and coastal activities,

and report to the Congress and the President, and \$1,000,000 for pfiesteria monitoring and assessment activities. In addition, the conference agreement also includes an additional \$2,500,000 increase above the fiscal year 1997 level under Ocean and Coastal Research and the Coastal Ocean Program for research on pfiesteria and other harmful algal blooms.

Ocean and Coastal Research.—The conference agreement includes \$7,910,000 for the National Ocean Service laboratory at Charleston, and has provided this funding under a new line item entitled "Ocean and Coastal Research". This funding includes \$1,500,000 for pfiesteria and toxicology research, and fisheries forensics and law enforcement. The conferees agree to transfer management and operation of the Charleston laboratory from NMFS to the National Ocean Service as proposed by the Senate. The conferees understand that NOAA has proposed further realignments of research facilities from other parts of NOAA to the National Ocean Service as part of a reorganization to emphasize coastal and ocean programs. The conferees would be willing to consider such changes upon submission of a reprogramming, and remind NOAA that all reorganizations are subject to the requirements of section 605 of this Act. Further, the conferees direct that the study required by the House report concerning collaborative research between NOAA and the U.S. Geological Survey be submitted to the Committees by March 15, 1998.

Coastal Ocean Program.—The conference agreement provides \$17,200,000 for the Coastal Ocean Program, of which \$3,000,000 is for ECOHAB, particularly research related to pfiesteria. The conference agreement adopts the recommendation included in the House report regarding efforts to respond to the algae bloom in the Peconic, Moriches and adjacent Long Island waters as well as expanding the geographic scope of studies on the ecology and oceanography of harmful algal blooms. Further, the conferees recommend funding at the fiscal year 1997 level for restoration of the South Florida ecosystem.

Coastal Zone Management Program.—For the CZM State grants program, the conferees have provided \$49,700,000, a \$3,500,000 increase over the fiscal year 1997 level to enable the addition of two new States into the program in fiscal year 1998. The conference agreement provides \$5,650,000 for the National Estuarine Research Reserve (NERRS) program. The conferees intend these funds be used to support the existing NERRS program, as assumed in the House bill. Of the amounts provided, \$2,350,000 is provided from direct appropriations and \$3,300,000 is derived from the Coastal Zone Management Fund (CZMF). In addition, \$4,500,000 is provided for program administration to be derived from the CZMF. The conference agreement includes funds available from the CZMF in the table under Coastal Management to provide greater clarity regarding the resources provided for these programs.

The conferees encourage the coastal managers in the State of New Jersey to purchase and place oyster cultch in the Delaware Bay to maintain oyster production and to retain oyster reef habitat quality.

Marine Sanctuary Program.—The conference agreement includes \$14,000,000 for the National Marine Sanctuary Program. The conferees understand that the NOAA and the National Research Council are currently developing a study on the role of marine sanctuaries in marine resource conservation, as well as the usefulness of marine reserves, in-

cluding their impacts on water quality and the abundance of living marine resources; and therefore, the conferees expect that a portion of the increase for the Marine Sanctuary Program will be used for this study.

Other.—Within the amounts provided for geodesy, the conference agreement includes \$500,000 for continuation of geodetic survey work as described in the Senate report, and \$1,000,000 for the National Height Modernization Study as described in the House report with the results of this study to be provided to the Committees no later than June 1, 1998.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of \$346,235,000 for the National Marine Fisheries Service, instead of \$326,943,000 recommended by the House and \$376,127,000 recommended by the Senate.

Resource Information.—The conference agreement provides \$99,300,000 for fisheries resource information. Within the funds provided for resource information, the conference agreement adopts the recommendation included in the Senate report with respect to MARMAP. The conference agreement also includes \$1,500,000 under this line item for the Gulf of Mexico Consortium included in the Senate report, while funding for the Hawaii stock enhancement project is provided for elsewhere in this account. In addition, \$900,000 is for a one-time study of potential new fisheries in the Chuckchi Sea by the Bering Sea Fishermen's Association, \$400,000 is for an assessment of Atlantic herring and mackerel, \$5,000,000 is for continuation of the aquatic resources environmental initiative, and \$250,000 is for a one-time study by the National Academy of Sciences of summer flounder. Also included is \$3,800,000 for a study on the effect of intentional encirclement on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery.

In addition, the conferees concur in the House and Senate direction regarding the accuracy and effectiveness of data collection efforts by NMFS. Within the total amount provided for Resource Information, the conferees have provided \$1,250,000 only for the Gulf and South Atlantic Fisheries Development Foundation (Foundation) to develop and administer a comprehensive program for data collection and analyses on the shrimp fishing effort in the Gulf of Mexico and South Atlantic, and to convene a working group to establish parameters for the Gulf of Mexico and South Atlantic red snapper stock assessment, including an analysis and assessment of red snapper mortality and fisheries impact resulting from discards by commercial and recreational fishermen due to regulatory requirements. This working group shall include a representative from NMFS, the Gulf of Mexico Fisheries Management Council (Council), and the Gulf States Marine Fisheries Commission (Commission) and shall provide for fair representation of the commercial and recreational red snapper industry, academia, State agencies, and other affected fisheries. The Foundation shall report its findings and recommendations to the House and Senate Committees on Appropriations and to NMFS within 180 days of enactment of this Act.

In addition, within the amounts included for Resource Information, the conferees have provided \$750,000 only for the Gulf States Marine Fisheries Commission to enhance the current recreational data collection program in the fisheries information network for the Gulf of Mexico. This funding is in addition to funding provided under the RECFIN program. The Commission, in consultation with

the States, the Council, NMFS, the Foundation, and affected interest groups shall develop and implement this data collection program and complete a transition that will commence a cooperative program with all the Gulf States. The Commission shall provide a report back to the Committees on Appropriations by April 1, 1998 on the roles of the respective partners in the cooperative system and the cost of transitioning to a new system of data collection, analysis and access. The conferees direct that these Foundation and Commission data collection and analyses efforts not be duplicated within NMFS or the Council.

The conference agreement also provides funds for right whale research, including gear modification research; MARFIN, including expansion of the program to the New England States; and Alaskan groundfish surveys, including calibration studies.

Steller Sea Lion Recovery Plans.—The conference agreement includes \$2,770,000 for this activity, including \$1,000,000 for a one-time support for the National Fish and Wildlife Foundation for research at the Alaska SeaLife Center, with the remaining funds to be allocated per the distribution in the Senate report for work by the State of Alaska and the North Pacific Universities Marine Mammal Consortium.

Fishery Industry Information.—Within the funds provided for Fishery Industry Information, the conference agreement provides \$3,900,000 for recreational fishery harvest monitoring to be expended in accordance with the direction included in the Senate report. In addition, the conferees have provided funding under this activity for the Pacific Fisheries Information Network, a portion of which is for the Alaska Fisheries Information Network as recommended in the House and Senate reports.

Fisheries Management Programs.—The conference agreement includes \$27,250,000 for this activity, including continued funding for the Alaska Harbor Seal Commission at the fiscal year 1997 level, and \$350,000 to continue ongoing sea turtle recovery efforts at Rancho Nuevo and loggerhead nesting and research programs as described in the House report. In addition, within these amounts, \$450,000 is for the Atlantic salmon recovery plan, \$1,500,000 is for chinook salmon management, and \$150,000 is for the State of Maine Atlantic salmon recovery plan.

Regional Councils.—The conference agreement includes \$11,900,000 for this activity. The conferees direct NMFS and the Mid-Atlantic Fishery Management Council to provide the necessary resources to enable the State of North Carolina to become a full participant in the Council in accordance with section 107 of the Magnuson-Stevens Act.

Protected Species Management.—Within the funds provided for protected species management, \$500,000 is for a study of the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem.

Interstate Fish Commissions.—The conference agreement includes \$6,750,000 for this activity, of which \$750,000 is to be equally divided among the three commissions, and \$6,000,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Sea Turtle Protection.—The conferees concur in the House direction regarding sea turtle protection, recovery efforts and the prohibition on developing or implementing any new or revised biological opinions regarding shrimp fishing and turtle interaction until the Secretary of Commerce establishes a shrimp-turtle panel to develop such biological

opinions. However, the conferees direct the Secretary to submit an implementation plan regarding the House direction on the shrimp-turtle panel and the establishment of a standardized statistical sea turtle stranding network no later than 30 days after enactment of this Act.

Bycatch Reduction.—The conferees also direct the Secretary of Commerce to comply with the direction provided in the House report regarding the implementation of an independent working group as recommended by industry to NMFS. The Secretary is directed to report back to the Committees on Appropriations, no later than December 1, 1997, as to the establishment of the independent working group. The conferees direct the Department of Commerce and NMFS not to implement or enforce any measure that would increase the minimum size for red snapper caught in the Gulf of Mexico to over 15 inches. The conferees are also concerned that the Gulf of Mexico Fishery Management Council's scientific and statistical committee lacks adequate representation of individuals with degrees in statistics and that the current demographic and industry representation on the reef fish and red snapper advisory panels is not balanced. The conferees expect NMFS to remedy this situation and report back to the Committees on Appropriations on their actions to correct this situation.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, the conferees direct that \$150,000 be provided to the Alaska Fisheries Development Foundation to be used in accordance with the direction included in the Senate report, and funds be provided pursuant to the direction included in the House to support ongoing efforts related to *Vibrio vulnificus*.

Further, the conferees intend that funds for the Hawaii stock management plan and the Hawaii fisheries development project continue to be administered by the Oceanic Institute. In addition, the conference agreement transfers the following amounts from NMFS to NOS to reflect the transfer of management and operation of the Charleston laboratory: \$4,100,000 from the Product Quality and Safety/Seafood Inspection line item; \$410,000 from the Fisheries Cooperative Institute line item; and \$1,900,000 from the Marine Biotechnology line item.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of \$277,741,000 for Oceanic and Atmospheric Research activities, instead of \$237,463,000 as recommended by the House and \$271,648,000 as recommended by the Senate.

Interannual and Seasonal Climate Research.—The conferees have provided \$12,900,000 for interannual and seasonal climate research under the structure proposed by the Senate, including \$4,900,000 to operationalize the El Nino observing array (TOGA-TOW), as requested in the budget.

Climate and Global Change Research.—The conference agreement includes \$60,000,000 for the Climate and Global Change research program, an increase of \$4,900,000 above the amounts provided in fiscal year 1997. Within the overall amounts provided, the conferees have provided the full request of \$7,250,000 for the International Research Institute and related regional application centers, a \$2,000,000 increase over the fiscal year 1997 level. The conferees expect OAR to use the full \$2,900,000 additional increase for activities directly related to El Nino, including additional support for the regional applications centers as well as to develop a national applications program to improve U.S. seasonal and interannual climate forecasts.

Long-term Climate and Air Quality Research.—The conferees have provided the full request of \$29,402,000 for this activity, including requested increases for the Health of the Atmosphere program.

Atmospheric Programs.—The conference agreement provides \$37,413,000 for this activity in accordance with the direction provided in the Senate report.

Marine Prediction Research.—The conference agreement includes \$22,976,000 for marine prediction research. Within this amount, the Arctic Research Initiative is to be funded as directed in the House report, and the Open Ocean Aquaculture Initiative is to be funded in accordance with the Senate report. In addition, \$2,300,000 is provided for tsunami mitigation; \$150,000 is for the Lake Champlain study; \$2,200,000 is for the VENTS program; \$4,000,000 to continue an initiative for the aquatic ecosystems, water quality, atmospheric research, and facilities construction at the Canaan Valley Institute; and \$1,500,000 is for implementation of the National Invasive Species Act, of which \$500,000 is for the Chesapeake Bay Ballast Demonstration as directed in the Senate report.

GLERL.—Within the \$6,000,000 provided for the Great Lakes Environmental Research Laboratory, the conferees expect NOAA to continue its support for the Great Lakes nearshore research and GLERL zebra mussel research programs.

Sea Grant.—The conferees have included \$56,000,000 for the National Sea Grant program, and expect NOAA to continue to fund the existing oyster disease research and zebra mussel research programs within these amounts. Of the amounts provided, \$1,000,000 is for the Gulf of Mexico Oyster Disease Initiative.

National Undersea Research Program (NURP).—The conference agreement provides \$15,500,000 for the NURP, of which \$1,500,000 is for the JASON Foundation for Education to develop and implement a program, in collaboration with NOAA, that will translate data from several independently supported oceanographic and underwater research sites in the United States to students and teachers throughout the nation and abroad as part of the 1998 International Year of the Ocean. Further, as part of the 1998 International Year of the Ocean, the conferees have also provided \$500,000 to help finalize work on the Odyssey Maritime Center which will provide educational and research activities related to the oceans. Of the remaining \$13,500,000, the conferees expect the funds to be distributed to the existing nationwide undersea research centers. The conferees direct that not less than \$5,000,000 of these funds should be made available to West Coast NURP centers, including the Hawaii and Pacific Center and the West Coast and Polar Regions Center, and not more than \$1,000,000 shall be used for NOAA administrative costs and the intramural research.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of \$520,264,000 for the National Weather Service (NWS), instead of \$511,154,000 as proposed by the House, \$525,964,000 as proposed by the Senate, and \$503,763,000 requested in the budget. Further, an additional \$132,781,000 is provided within the new NOAA Procurement, Acquisition and Construction account for NWS systems acquisition and related activities which were previously funded under this heading in this account. The conference agreement also provides \$14,823,000 elsewhere in this account.

Local Warnings and Forecasts/Base Operations.—The amount provided includes

\$324,000,000 for the base operations of the National Weather Service, an increase of \$10,200,000 above the amount provided in the House bill, and \$16,000,000 above the request. Within these amounts, the conferees direct the NWS to provide funding as directed in the House and Senate reports to provide transmitters to address the concerns regarding gaps in coverage provided by NOAA Weather Radio in certain areas. In addition, within these amounts, the conferees direct the NWS to continue operating and maintaining all data buoys and coastal marine automated network stations funded and supported by the NWS in fiscal year 1997. The conferees are aware of the review conducted by the Department recommending management and budget reforms at the NWS. Due to the delay in completion of this review, which was not provided to the Committees until October 23, 1997 the conferees have not had sufficient opportunity to analyze the results and recommendations. However, the conferees look forward to working with NOAA and the Department to address these issues and would be willing to entertain a reprogramming of funds should additional resources be required to implement these reforms in fiscal year 1998. In addition, the conferees expect no action to be taken to reorganize the NWS, including the regional structure, without prior consultation with the Committees on Appropriations.

In addition, while the NWS no longer provides specialized agriculture forecasts, the conferees expect the NWS to cooperate with and provide its existing basic data and information to the agricultural community, which includes farmers, their trade associations, State agencies, educational institutions and the U.S. Department of Agriculture.

Within the amounts available to the National Weather Service, the conferees direct that not less than \$3,300,000 be provided to the Tropical Prediction Center (National Hurricane Center), and not less than \$3,000,000 be provided to the Storm Prediction Center in fiscal year 1998.

In addition, the conferees are concerned about the radar obstruction detected at the NEXRAD facility located at the Jackson, Mississippi airport. The NWS is expected to receive a report in November 1997 regarding actions needed to correct this obstruction. Upon receipt of this report, the conferees expect the NWS to take immediate action to mitigate the NEXRAD blockage.

Modernization and Associated Restructuring Demonstration Program (MARDI).—The conference agreement includes \$73,674,000 for MARDI, as provided in the House and Senate bills, and the full amount requested. Reductions from the fiscal year 1997 level reflect the non-recurrence of one-time contract costs associated with the NOAA Weather Radio Console Replacement system, as well as consolidation of field offices in accordance with modernization plans. Within the amounts for MARDI, full funding has been provided for the operational costs associated with mitigation activities recommended in the Secretary's report to the Congress on areas of concern under the NWS modernization program.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes \$134,682,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes \$298,905,000 under the new NOAA Procurement, Acquisition and Construction (PAC) account for satellite systems acquisition and related activities

previously provided for under this heading within the ORF account.

Environmental Data Management.—The conferees have included \$46,335,000 for EDMS activities. Under EDMS, the conference agreement includes \$2,500,000 for the Regional Climate Centers, and adopts the Senate recommendation to transfer this program from the National Weather Service to NESDIS.

Polar Convergence.—The conference agreement includes \$34,000,000 for the interagency program office to converge the NOAA and Department of Defense (DOD) polar satellite convergence programs. The conferees believe the recommendation provides the necessary funding to ensure the timely progression of the Polar convergence program. Within the amounts provided for Polar convergence, the conferees have included \$3,000,000 to determine the feasibility of collecting global wind weather data from the private sector. The data should be of an accuracy and coverage that will improve weather forecasts substantially, and should be acquired by a technique that can be expanded to provide for other data products of interest to NOAA. The conferees expect NOAA to use the fiscal year 1998 funds as follows: at least \$2,000,000 to test the collection of wind data through ground-based instrumentation similar to that used by satellite systems; and to develop a proposal for the use of such data provided by the private sector into NOAA services and products; and to issue a request for proposals (RFP) to provide the agency with wind data. The conferees anticipate receiving NOAA's proposal for the use of this data not later than April 30, 1998, and that the RFP will be issued by the agency no later than May 15, 1998. No contract may be awarded in fiscal year 1998 as a result of the request for proposals.

The conferees share the concerns expressed in the House report regarding the achievement of cost savings from Polar convergence. The conferees direct NOAA to follow the direction in the House report regarding this matter.

PROGRAM SUPPORT

The conference agreement provides \$66,214,000 for NOAA program support, instead of \$61,712,000 as recommended by the House and \$67,002,000 recommended by the Senate.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes an appropriation of \$13,500,000 for this activity in the Operations, Research, and Facilities (ORF) account, instead of \$2,500,000 as included in the House bill within ORF, and \$15,823,000 included in the Senate bill under a separate Fleet Modernization, Shipbuilding, and Conversion account. The conference agreement includes \$4,000,000 for modernization of the RELENTLESS as proposed in the Senate bill. The conference agreement does not provide \$1,500,000 requested in the budget for additional equipment to modernize hydrographic vessels. This matter is discussed further elsewhere in this account. In addition, further guidance regarding this account is included under section 612 of this Act.

FACILITIES

The conference agreement includes \$11,265,000 for facilities maintenance, lease costs, and environmental compliance, instead of \$11,950,000 included in the House bill, and \$10,015,000 included in the Senate bill under a separate Construction account. Of the amounts provided: \$1,800,000 is for NOAA facilities maintenance, \$2,000,000 is for the lease costs of the Sandy Hook facilities, \$2,000,000 is for environmental compliance

activities, \$1,000,000 is for Weather Forecast Office maintenance, and \$4,465,000 is for Columbia River facilities maintenance.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of \$491,609,000 for a new Procurement, Acquisition and Construction account. This new account funds capital acquisition activities, including systems acquisition and new construction, previously funded within the NOAA Operations, Research, and Facilities account and the Construction account. Language is included in the bill to make the necessary technical changes to reflect the establishment of this account. While the conferees have adopted this new budget structure, the conferees have done so expecting NOAA, the Department of Commerce, and the Office of Management and Budget to continue to utilize funding available within all NOAA accounts, including capital investment items, for reprogrammings and transfers to deal with changing operational and programmatic requirements of NOAA. The following distribution reflects the fiscal year 1998 funding provided for activities within this account:

Systems Acquisition:	
AWIPS	\$116,910,000
ASOS	4,494,000
NEXRAD	6,377,000
Computer Facilities Upgrades	5,000,000
Polar Spacecraft and Launching	82,905,000
Geostationary Spacecraft and Launching	216,000,000
Subtotal, Systems Acquisition	431,686,000

Construction:

Boulder Lab Above Standard Costs	2,900,000
WFO Construction	13,823,000
Santa Cruz Fisheries Lab	15,200,000
NERES Construction	8,000,000
Honolulu Fisheries Lab ..	2,000,000
Gulf Coast Lab	5,000,000
Alaska Facilities	8,000,000
Pribilof Island Cleanup ..	5,000,000
Subtotal, Construction	59,923,000

Systems Acquisition.—The conference agreement provides the full amount requested for AWIPS acquisition. Language is included, slightly modified from the House bill, designating the amounts available under this account for AWIPS, and making the availability of these funds contingent upon certification by the Secretary of Commerce that the overall program costs will not exceed \$550,000,000. The conferees expect NOAA to follow the direction included in the House report regarding consultation with the Committees.

Of the amount provided under this account for NEXRAD, \$4,377,000 is provided for continued acquisition activities associated with the three additional NEXRAD systems as described in the House report, and \$2,000,000 is for planned product improvements. While the conferees appreciate the need to ensure upgrades and improvements in the modernized weather system, the first priority must be to provide the resources and attention necessary to first complete the original modernization as planned.

Construction.—The conference agreement includes \$2,900,000 for above standard costs

for the Boulder Laboratory, an increase above the request to cover additional unanticipated costs associated with completion of this facility, including soil mitigation and access road improvements. The conference agreement also includes \$15,200,000 for the Santa Cruz Laboratory, in accordance with the direction included in the House report regarding submission of a spending plan and overall costs for completion of this facility.

Of the amounts provided for National Estuarine Research Reserve construction, \$2,000,000 is included for the ACE Basin Reserve as recommended in the Senate report.

The conference agreement includes \$8,000,000 for Alaska facilities construction related to fisheries laboratory requirements, and includes bill language providing for the transfer of land related to construction of the Juneau laboratory.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of \$7,800,000, as provided in both the House and Senate bills, from the Coastal Zone Management Fund. The conference agreement allocates these funds as follows: \$4,500,000 for program administration and \$3,300,000 for the National Estuarine Research Reserve Program. These amounts are reflected under the National Ocean Service within the Operations, Research, and Facilities account.

CONSTRUCTION

The conference agreement does not include funding under a separate Construction account, reflecting the adoption of a new NOAA account structure as recommended in the House bill. A total of \$71,188,000 is provided within the NOAA ORF account and the new NOAA PAC account for activities previously funded in this account. The Senate bill included \$88,000,000 under a separate Construction account.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

The conference agreement does not include funding under a separate Fleet Modernization, Shipbuilding and Conversion account, reflecting the adoption of a new NOAA account structure as recommended in the House bill, and instead includes \$13,500,000 for this purpose within the NOAA ORF account. The Senate bill included \$15,823,000 under a separate Fleet Modernization, Shipbuilding and Conversion account.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

The conference agreement does not include funding for this account, as recommended in the House bill and proposed in the budget. The Senate bill provided \$200,000 for this account.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes \$953,000 for the Fishermen's Contingency Fund, as provided in both the House and Senate bills.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes \$189,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate bills.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides \$338,000 in subsidy amounts for Fisheries Finance Program Account, the same total amount proposed in the Senate bill, instead of \$250,000 recommended in the House bill. The conference agreement reflects changes made to this account in the Magnuson-Stevens Act which converted this account from a guaranteed loan program to a direct loan program,

as proposed in the House bill. In addition, the conference agreement renames this account, previously referred to as the Fishing Vessel Obligations Guarantees account, to reflect such changes.

GENERAL ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$27,490,000 for the general administration of the Commerce Department, instead of \$28,490,000 as proposed in the Senate bill and \$26,490,000 as proposed in the House bill, and a reduction of \$2,595,000 from the request. The conference recommendation assumes savings as a result of personnel reductions in fiscal year 1997 and other administrative reforms. Should additional funds be required to avoid adverse personnel actions or to improve management and oversight functions at the Department, the conferees would be willing to consider a transfer in accordance with section 605 of this Act.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$20,140,000 for the Commerce Department Inspector General, as proposed in both the House and Senate bills.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH, AND FACILITIES (RESCISSION)

The conference agreement includes a rescission of \$20,500,000 from prior year unobligated balances in NOAA satellite programs, due to lower than expected program needs in fiscal year 1997. The House bill rescinded \$5,000,000 from these satellite procurement balances, while the Senate bill contained no rescission. This rescission reduces the amount of unobligated balances that would be transferred to the new "Procurement, Acquisition, and Construction" appropriations account.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION SALARIES AND EXPENSES (RESCISSION)

The conference agreement includes a rescission of \$3,000,000 in unobligated balances from the U.S. Travel and Tourism Administration (USTTA). These funds are derived from excess funds provided for closeout costs for USTTA, which was eliminated in fiscal year 1996.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Section 201.—The conference agreement includes section 201, included in both the House and Senate versions of the bill, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in both the House and Senate versions of the bill, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in both the House and Senate versions of the bills, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in both the House and Senate versions of the bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers.

Sec. 205.—The conference agreement includes section 205, identical in both the

House and Senate versions of the bill, regarding transfer authority between Commerce Department appropriation accounts.

Sec. 206.—The conference agreement includes section 206, providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, as proposed in the House and Senate bills, with a modification to include any reorganizations or changes affecting any portion of the Department.

Sec. 207.—The conference agreement includes section 207, similar to provisions included in the House and Senate bills, requiring that any costs related to personnel actions incurred by a Department or agency funded in title II of the accompanying Act, be absorbed within the total budgetary resources available to such Department or agency, with a modification to include the care of loan collateral and grants protection.

Sec. 208.—The conference agreement includes section 208, as proposed in the House and in the Senate bill as section 209, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 209.—The conference agreement includes new language, not included in either the House or Senate bills, regarding the conduct of the 2000 decennial census.

Sec. 210.—The conference agreement includes new language, not included in either the House or Senate bills, establishing the Census Monitoring Board.

Sec. 211.—The conference agreement includes section 211, as proposed in the Senate bill, amending 22 U.S.C. 401 and 28 U.S.C. 524 to provide the Secretary of Commerce assets seizure, forfeiture, and disposal authority. The House bill did not address this matter.

Sec. 212.—The conference agreement includes section 212, modified from the Senate bill, allowing for the transfer of funds previously awarded by the Economic Development Administration, and extending the availability of funds provided in certain instances to remain available until expended. The House bill contained no similar provision.

The conference agreement does not include a provision included in the Senate bill modifying the designation of a Metropolitan Statistical Area. In addition, the conference agreement does not include a provision included in the Senate bill making additional funds available for the NTIA Information Infrastructure Grants program by offsetting reductions in other accounts in title II. These matters are addressed elsewhere in title II. Further, the conference agreement does not include a "Sense of the Senate" provision regarding the fraudulent transfer of presubscribed telephone customers.

The conference agreement includes a technical citation for this title, as proposed in the Senate bill.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES SALARIES AND EXPENSES

The conference agreement includes \$29,245,000 for the salaries and expenses of the Supreme Court, instead of \$29,278,000 as provided in the House bill and \$28,903,000 as provided in the Senate bill. In addition, \$33,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

Full funding is provided to improve police radio system area coverage. The Marshal's

Office shall deliver to the Appropriations Committees the assessment of needs for enhancing the system as soon as it is received from the radio contractor. Additionally, a report shall be provided not later than March 1, 1998 on the compatibility of the upgraded Supreme Court radio system with the radio systems of the District of Columbia police, fire, and emergency services, Capitol and other federal police, and state and local police.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes \$3,400,000 for the Supreme Court Care of the Building and Grounds account, as provided in the House bill, instead of \$6,170,000 as provided in the Senate bill. Within the amount provided, the conference agreement includes the requested amounts for elevator renovation and ADA requirements, \$75,000 for miscellaneous improvements (including a study to replace/retrofit 13.2 kilovolt switchgear and cables), and \$600,000 for capital improvements, including the requested amounts for the schematic design of building improvements and utility systems upgrade, the emergency electrical distribution system, and fire pump electric feeders upgrade, and \$225,000 for the fire alarm systems upgrade.

The conference agreement allows \$485,000 of this appropriation to remain available until expended, compared with \$410,000 in the House bill and \$3,620,000 in the Senate bill.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes \$15,575,000 for the U.S. Court of Appeals for the Federal Circuit, instead of \$15,507,000 as provided in the House bill and \$15,796,000 as provided in the Senate bill. In addition, \$42,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges. The total amount available of \$15,617,000 is sufficient to fund current service requirements but does not include funding for the additional positions requested in the budget.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes \$11,449,000 for the U.S. Court of International Trade, instead of \$11,478,000 as provided in both the House and Senate bills. An additional \$29,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides \$2,682,400,000 for the salaries and expenses of the federal judiciary, instead of \$2,687,069,000 as provided in the House bill and \$2,789,777,000 as provided in the Senate bill. An additional \$4,896,000 for this account is made available under section 306 in connection with the cost of living increase for federal judges.

Including amounts provided under the Violent Crime Reduction Trust Fund, addressed below, and section 306, the total amount available in this conference agreement for the salaries and expenses of the courts is \$2,727,296,000, instead of \$2,727,069,000 as provided in the House bill and \$2,789,777,000 as provided in the Senate bill.

In addition to these appropriated resources, there is likely to be available at least \$156,807,000 in fee carryover from prior years, \$135,185,000 in current year fees,

\$11,727,000 and \$51,046,000 in appropriations carryover.

Within the overall funding available for fiscal year 1998, the conferees expect the judiciary to fund its highest program priorities, including additional magistrate judges, bankruptcy clerks, and probation and pretrial services. The conferees are aware of the judiciary's proposal to increase funding for electronic courtroom technologies, and expect to be kept apprised of plans to carry this proposal out. The conferees agree that the language in the House report relating to optimal utilization of judicial resources is to be followed.

The conference agreement provides that within the total provided, \$900,000 shall be transferred to the Commission on Structural Alternatives for the Federal Courts of Appeals, which is provided for under section 305. The conference agreement includes a change in the heading of this account to indicate that this account contains a transfer of funds. The House and Senate bills did not contain a provision on this matter.

The conference agreement permits \$13,454,000 for space alteration projects to remain available until expended, as provided in the House bill, instead of \$16,530,000 as provided in the Senate bill.

The conference agreement also appropriates \$2,450,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in both the House and Senate bills.

Violent crime reduction trust fund.—The conference agreement includes an appropriation of \$40,000,000 from the Violent Crime Reduction Trust Fund, as provided in the House bill, instead of no funds as provided in the Senate bill. The conferees intend that these funds be used to offset workload requirements of the federal judiciary related to the Violent Crime Control and Law Enforcement Act of 1994 and the Anti-Terrorism and Effective Death Penalty Act of 1996.

DEFENDER SERVICES

The conferees have included \$329,529,000 for the federal judiciary's Defender Services account, as provided in the House bill, instead of \$308,000,000 as provided in the Senate bill. The conferees do not assume use of any prior year fee carryover in this account, as had been assumed in the Senate bill. If additional funds are required, funding provided for the Violent Crime Reduction Trust Fund and fee carryover under the Salaries and Expenses account is available by transfer.

The conference agreement does not include a provision that was included in the Senate bill to cap the annual incremental cost of each capital representation at \$63,000 and to require that any costs in excess of that amount be paid equally out of funds appropriated or otherwise made available to the administrative units supporting the prosecutor and presiding judge. However, the conferees restate the concerns expressed in both the House and Senate reports concerning the rapidly rising costs in the program, including the average cost of capital representations. In response to these concerns, and at the request of the Committees, the Administrative Office of the Courts, has commenced a study to identify the reasons for the rapidly increasing costs within this account and to provide recommendations to control these costs. This should include recommendations with respect to best practices to help develop and disseminate guidelines focused on case cost containment. This report, to be developed and carried out in consultation with the General Accounting Office, is due to Congress by February 2, 1998.

Because the costs of the existing program have been rising so rapidly, and the possibility that funding requirements in fiscal year 1998 will exceed the budget request by a significant amount, the conferees have not provided for increases in the rate for panel attorneys or other program increases.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes \$64,438,000 for Fees of Jurors and Commissioners, instead of \$66,196,000 as proposed in the House bill and \$68,252,000 as proposed in the Senate bill. The amount provided reflects the latest estimate from the judiciary of the requirements for this account.

COURT SECURITY

The conference agreement includes \$167,214,000 for the federal judiciary's Court Security account as proposed by the House instead of \$167,883,000 as proposed by the Senate. In addition, the conference agreement permits up to \$10,000,000 of the total to remain available until expended as proposed in the Senate bill, and no extended availability as proposed in the House bill. The funding provided in the conference agreement, which is a large increase over the amount provided in fiscal year 1997, is intended to fully fund the personnel and equipment necessary to bring court security up to applicable security standards, as requested, and should these funds not be sufficient, the judiciary and the Marshals Service will be expected to absorb any additional costs from within their budgets.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes \$52,000,000 for the Administrative Office of the United States Courts, as proposed by the House, instead of \$53,843,000 as proposed by the Senate. This level of funding will provide a portion of the additional staff requested in the budget. The conferees expect the additional staff to be used for strengthening the Administrative Office's capability to manage and oversee the Defender Services and Court Security budgets and for automation support staff, as provided in both the House and Senate reports. The conferees assume that non-appropriated funds of \$37,169,000 will be available for the operations of the Administrative Office.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes \$17,495,000 for the fiscal year 1998 salaries and expenses of the Federal Judicial Center, as proposed in both the House and Senate bills.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes \$34,200,000 for payment to the various Judicial retirement funds as provided in both the House and Senate bills.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conferees have included \$9,240,000 for the U.S. Sentencing Commission, instead of \$9,000,000 as provided in the House bill, and \$9,480,000 as provided in the Senate bill. No funding is provided for public service announcements, because of the availability of substantial funding for these announcements within the Office of National Drug Control Policy.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes section 301 as provided in both the

House and Senate bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes section 302, included in both the House and Senate bills, providing the Judiciary with the authority to transfer funds between appropriations accounts.

Sec. 303.—The conference agreement includes section 303, identical in both the House and Senate-reported versions of the bill, allowing up to \$10,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

Sec. 304.—The conference agreement includes section 304, as proposed in the Senate bill, which provides a permanent extension of the authority for the Judiciary Automation Fund. The House bill did not include any provision on this matter.

Sec. 305.—The conference agreement includes section 305, creating the Commission on Structural Alternatives for the Federal Courts of Appeals. The functions of the Commission are to study the present division of the United States into the several judicial circuits; study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit, and to report to the President and the Congress its recommendations for changes in circuit boundaries or structures. The Commission is to be made up of 5 members, to be appointed by the Chief Justice of the Supreme Court. The Commission is to conduct studies during the 10-month period beginning on the date on which a quorum of the Commission is appointed, and within the following 2-month period, submit its report to the President and the Congress. Not to exceed \$900,000 is authorized to be appropriated for the Commission, to remain available until expended. The House bill had no provision on this matter. The Senate bill contained a provision that realigned the current Ninth Circuit and established a new Twelfth Circuit.

Sec. 306.—The conference agreement includes section 306, as proposed in the Senate bill, authorizing federal judges to receive a salary adjustment, modified to include an additional provision appropriating \$5,000,000 for the cost of the salary adjustment, to be transferred to and merged with appropriations in this title. The House bill did not contain a provision on this matter.

Sec. 307.—The conference agreement includes a provision included in the Senate bill amending section 44(c) of title 28 of the U.S. Code to require that in each circuit, other than the Federal Judicial Circuit, there shall be at least one circuit judge appointed from each State in that circuit. The House bill had no provision on this matter.

Sec. 308.—The conference agreement includes a provision requiring public disclosure of court appointed attorney's fees, unless the court finds that consideration of the defendant's interests requires otherwise, as included in the Senate bill as section 121, modified to make the provision effective 60 days after enactment, apply to new cases, and sunset in 2 years. The provision, as included in the Senate bill, would have been effective immediately, would have applied to all cases, and would have been permanent. The House bill included no similar provision.

The conference agreement includes a short title for Title III of this Act, as included in the Senate bill. The House bill did not include a short title.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of \$1,730,000,000 for Diplomatic and Consular Programs. This amount includes: a direct appropriation of \$1,705,600,000, instead of \$1,706,577,000 as provided in the House bill and \$1,727,868,000 as provided in the Senate bill, including \$490,000 from the reserve fund for the International Center, as provided in both the House and the Senate bills; \$700,000 to be derived from registration fees, as provided in both the House and the Senate bills; and \$23,700,000, to remain available until expended, for increased security overseas, as provided in the House bill, to continue the antiterrorism initiatives included in the fiscal year 1997 appropriations Act.

The conference report specifies that in addition to funds otherwise available, \$24,856,000 shall be available for operation of existing base services and \$17,312,000, to remain available until expended, for enhancement of the Diplomatic Telecommunications Service. The House bill contained a provision specifying these amounts, but did not allow for other funds that might be available. The Senate bill did not contain a provision on this matter.

The conference report also includes a provision permitting the transfer of up to \$4,000,000 to the Emergencies in the Diplomatic and Consular Service account for emergency evacuations and terrorism rewards, as provided in the Senate bill. The House bill did not have a provision on this matter.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 1998 and 1999 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill included a provision allowing deposit of MRV fees as an offsetting collection to this account in fiscal year 1998.

The conference report does not include a provision making not to exceed \$125,000 of the funds under this heading available for the Maui Pacific Center, as proposed in the Senate bill. The House bill did not contain a provision on this matter.

The conferees agree that the language in both the House and Senate reports under this heading is to be followed in expending fiscal year 1998 funds, with the following exceptions and additions.

The conferees endorse a modified plan for orphan adoptions in the Russian Far East proposed by the State Department in response to language in the Senate report. Consular officers in Vladivostok will forward approved immigrant visa applications to Moscow by courier for final processing. Final processing and return of immigrant visas to Vladivostok will occur within the 10-day waiting period after final adoption hearings. The State Department shall report back to the Appropriations Committees on the implementation of the proposed new adoption procedures not later than December 31, 1997.

The conferees understand that the State Department has been reimbursing some, but not all, U.S. Bering Straits commissioners. The conferees direct the State Department to compensate all U.S. members of the Bering Straits Commission for costs associated with official duties. The conferees direct the State Department to provide the Appropria-

tions Committees with an estimate of commissioner compensation in fiscal year 1998 not later than December 31, 1997.

The conferees are concerned over the situation in the Republic of Albania, specifically, reports that the new Socialist government is engaging in politically motivated purges of civil servants and allegations of repression of certain members of the opposition. As such, the conferees direct the State Department to maintain vigorous scrutiny of the human rights performance of the new government, particularly with respect to treatment of opposition political parties, and the exercise of freedom of the media and freedom of Assembly. The conferees further direct the State Department to report back to the Congress on these issues within 180 days of enactment of the bill.

The State Department previously has been requested by the conferees to ensure that a senior officer of the U.S. & Foreign Commercial Service (US&FCS) was nominated to be an ambassador. The conferees continue to recognize the professionalism and foreign policy expertise of the US&FCS officer corps and believe that such an action is long overdue. Accordingly, the conferees expect the Department of State to select and nominate a US&FCS foreign service officer to be an ambassador by May 1, 1998.

SALARIES AND EXPENSES

The conference agreement includes a total of \$363,513,000 for Salaries and Expenses, as proposed in both the House and Senate bills. The conference agreement does not include a provision, as proposed in the House bill, to withhold \$7,270,260 from obligation until the Secretary designates foreign terrorist organizations as required by the Antiterrorism and Death Penalty Act of 1996. The conferees are aware that the Secretary has made such designation and submitted it to Congress. The Senate bill did not contain a provision on this matter.

The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

The Department of State, in consultation with the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Bureau of Investigation, is directed to prepare a report on the implementation of 22 U.S.C. 2778(b)(1)(B) to the Appropriations Committees of both the House and the Senate, to include the following:

- (1) the number of applications processed and approved in the last 5 years;
- (2) the articles that were approved for importation as of the date of the report;
- (3) the number of applications disapproved and the reasons for such disapprovals;
- (4) an estimate of the number and the specific model of firearms, based upon current survey information from overseas missions, available for importation from non-proscribed countries; and
- (5) a detailed explanation of the process by which an M-1 carbine can be converted into an illegal machine gun under the National Firearms Act or assault weapon, as defined in 18 U.S.C. 921(a)(30).

CAPITAL INVESTMENT FUND

The conference agreement includes \$86,000,000 for the Capital Investment Fund, instead of \$50,600,000 as proposed in the House bill, and \$105,000,000 as proposed in the Senate bill. The conferees adopt by reference the provisions of both the House and the Senate reports under this heading.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$27,495,000 for the Office of Inspector General,

which has jurisdiction over the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, as proposed in the Senate bill, instead of \$28,300,000 as proposed in the House bill.

REPRESENTATION ALLOWANCES

The conference agreement includes \$4,200,000 for Representation Allowances, instead of \$4,300,000 as proposed in the House bill and \$4,100,000 as proposed in the Senate bill.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes \$7,900,000 for Protection of Foreign Missions and Officials, as provided in both the House and the Senate bills.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes \$404,000,000 for this account, instead of \$373,081,000 as proposed by the House, and \$420,281,000 as proposed by the Senate.

The conference agreement includes \$9,500,000 for architectural and engineering plans for an embassy in Jerusalem.

The conference agreement also provides an additional \$19,600,000 for emergency rehabilitation and security projects worldwide, to address a portion of the large backlog in rehabilitation projects.

In addition, within the original budget request, the conferees are aware of some slippage in the rehabilitation projects that were submitted to Congress.

The conference report includes language to allow preservation, maintenance, repair, and planning for buildings that are owned or directly leased by the Department of State. The conference report includes sufficient funding to permit initiation of these activities. Up to this point, the Department has not had any funds for capital maintenance of a category of buildings, including its passport and regional operations centers. The conferees are also aware the Department is projecting a need for passport processing capacity greater than available from current facilities, including expansions already planned, and expect the Department to commence planning for a facility to meet such a need in a State previously designated for that purpose.

The conferees are in agreement with language in both the House and Senate reports emphasizing the importance of increased management and disposal of surplus properties to fund new construction and real property acquisitions that are not currently being directly funded under this account. The conferees believe that the Department's budget presentation should include a priority list of proposed uses of proceeds from surplus property sales in addition to the anticipated level of property disposal for the upcoming fiscal year, as well as an accounting for the sale and use of proceeds for the previous two years, in order to make information on the operation of this program more available, in addition to the quarterly reports the Department is currently providing.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes \$5,500,000 for Emergencies in the Diplomatic and Consular Service account, as provided in both the House and Senate bills.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of \$1,200,000 for the Repatri-

ation Loans Program account, as provided in both the House and Senate bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes \$14,000,000 for the Payment to the American Institute in Taiwan account, as proposed in the House bill, instead of \$14,490,000 as proposed in the Senate bill.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes \$129,935,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes \$955,515,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of \$978,952,000 as proposed in the House bill, and \$957,009,000 as proposed in the Senate bill. Within this amount, \$54,000,000 is for payment of arrearages, as proposed in both the House and Senate bills, and not to exceed \$12,000,000 is to be transferred to the International Conferences and Contingencies account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission for certain defined activities, instead of \$4,000,000 for transfer to the ICC account for new or provisional international organizations, as proposed in the House bill, and \$10,000,000 for transfer to the ICC account for new or provisional organizations and for travel expenses of official delegates to international conferences, as proposed in the Senate bill.

Within this amount, the conference agreement provides \$54,000,000 for payment of arrearages, as proposed in both the House and Senate bill, contingent upon enactment of an authorization act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the U.S. assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the U.S. to the U.N.; certification that the U.N. and affiliates have taken no action to infringe on U.S. sovereignty; a ceiling on U.S. contributions to international organizations in future years of \$900,000,000; establishment of a merit-based personnel system at the U.N.; U.S. membership on the U.N. Budget Committee; GAO access to U.N. financial data; negative growth budgets and independent inspectors general for affiliated organizations; and improved consultation procedures with Congress, as proposed in the House bill. The Senate bill made payment of funds for this account, including payment of arrearages owed to the U.N., contingent upon enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

The conference agreement includes conditions relating to payment of the current year assessment to the U.N., as proposed in the House bill, as follows: 1) \$100,000,000 may be made available only on a semi-annual basis pursuant to a certification that the U.N. has taken no action to cause it to exceed the expected 1998-1999 budget of \$2,533,000,000; 2) 20 percent of the assessed contribution to the U.N. may be made only after a certification has been provided with respect to the functions of the U.N.'s Inspec-

tor General—the Office of International Oversight Services; and 3) none of the funds can be used for the U.S. share of interest costs for loans incurred after October 1, 1984 through external borrowings. The Senate bill did not contain provisions on these matters.

Current year assessments.—The amount provided in the conference report is expected to be sufficient to fully fund the current year assessments for U.S. membership in international organizations. The latest estimate of the cost of assessments provided by the Department of State to the Committees indicates that the increased value of the dollar in relation to other major currencies has lowered the requirement for funding of this account by \$53,368,000 below the original budget request. In addition, at the end of fiscal year 1997, \$17,620,000 was transferred from the Contributions to International Peacekeeping account to this account to prepay a portion of the U.N. dues payable in fiscal year 1998, and additional prepayments were made from funds reserved for International Conferences and Contingencies that would otherwise have lapsed. Finally, approximately \$4,600,000 of the amount requested for assessments is not required to be paid out, because U.S. membership in two new organizations has not been ratified, the U.S. has announced its withdrawal from a small organization paid for out of the Organization for Economic Cooperation and Development assessment, and the contribution to the Interparliamentary Union is to be limited to \$5,000 because that organization has not resolved a disputed assessment increase. The conferees agree that no funding is to be provided to the five organizations for which funding was not provided in fiscal years 1996 and 1997. To the extent that foreign currency exchange rates change, the conferees expect that there are sufficient mechanisms in place or pending in authorization language to make up any difference or to assure that excess funding does not lapse.

Transfer to International Conferences and Contingencies.—Not to exceed \$12,000,000 is to be transferred from the Contributions to International Organizations account to the International Conferences and Contingencies account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission. Transferred funds are to be obligated and expended only for Commission meetings and sessions, provisional technical secretariat salaries and expenses, other Commission administrative and training activities, including purchase of training equipment, and upgrades to existing international monitoring systems involved in cooperative data sharing agreements with the United States as of the date of enactment of this Act, until the U.S. Senate ratifies the Comprehensive Nuclear Test Ban Treaty. If the Treaty is ratified, then the limitation on what these funds can be expended for would no longer be in effect.

The conferees adopt by reference the language in the House report concerning the Framework Convention on Climate Change.

The conferees agree that no funding is provided for world-wide conferences. The conferees understand that the United States could lose its vote in some international organizations due to arrears, such as the current situation with the INRO. The conferees are agreed that the Department of State should take action to maintain the U.S. Government's vote in these organizations and should expeditiously submit a reprogramming to pay off shortfalls, if necessary.

CONTRIBUTIONS FOR INTERNATIONAL
PEACEKEEPING ACTIVITIES

The conference agreement provides \$256,000,000 for Contributions for International Peacekeeping Activities, instead of \$261,000,000, as proposed in the House bill, and \$200,320,000 as proposed in the Senate bill.

The conference agreement includes \$46,000,000 for payment of arrearages, as included in both bills, and makes payment of arrearages contingent upon enactment of an authorization subject to the same conditions applicable to payment of arrearages described under the previous account, Contributions to International Organizations, as proposed in the House bill. The Senate bill made payment of funds for this account, including payment of arrearages owed to the U.N., contingent upon enactment of the Foreign Affairs Reform and Restructuring Act of 1997.

The conference agreement includes a provision that prohibits obligation or expenditure of funds for new or expanded U.N. peacekeeping missions unless, at least 15 days prior to the Security Council vote, the appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and a reprogramming of funds is submitted setting forth the source of funds that will be used to pay for the cost of the new or expanded mission. The Senate bill did not contain a provision on this matter.

The conference agreement contains a provision requiring a certification that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to those being given to foreign manufacturers and suppliers. The Senate bill did not contain a provision on this matter.

The conferees adopt by reference language in the House report requiring reprogramming requirements for certain missions that may continue, but for which information has either not been provided or is under consideration.

INTERNATIONAL CONFERENCES AND
CONTINGENCIES

The conference agreement does not include funding for International Conferences and Contingencies, as proposed in the Senate bill, instead of \$1,500,000 as proposed in the House bill. The conference agreement includes the transfer of up to \$12,000,000 to this account for U.S. contributions to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, for specified activities.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER
COMMISSION, UNITED STATES AND MEXICO
SALARIES AND EXPENSES

The conference agreement includes \$17,490,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), as proposed in the House bill, instead of \$18,200,000 as proposed in the Senate bill.

The conference agreement provides that not to exceed \$6,000 may be used by the Commission for representation expenses, as proposed in the House bill, instead of \$10,000 as proposed in the Senate bill.

CONSTRUCTION

The conference agreement includes \$6,463,000 for the Construction account of the IBWC, as proposed in both the House and Senate bills.

AMERICAN SECTIONS, INTERNATIONAL
COMMISSIONS

The conference agreement includes \$5,490,000 for the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, as provided in the House bill, instead of \$5,010,000 as provided in the Senate bill.

Within the total, \$761,000 is provided for the International Boundary Commission, United States and Canada, as proposed in the House bill, instead of \$785,000 as proposed in the Senate bill; \$3,189,000 is provided for the International Joint Commission, instead of \$3,128,000 as proposed in the House bill and \$3,225,000 as proposed in the Senate bill; and \$1,540,000 for the Border Environment Cooperation Commission, instead of \$1,601,000 as proposed in the House bill, and \$960,000 as proposed in the Senate bill. No funds are provided for the Bering Straits Commission, as proposed in the House bill, instead of \$40,000 as proposed in the Senate bill. This issue is addressed in the Statement of Managers under the Diplomatic and Consular Programs heading.

The conference agreement provides \$9,000 for representation expenses, as proposed in the House bill, instead of \$9,900 as proposed in the Senate bill.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes \$14,549,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate bill, instead of \$14,490,000 as proposed in the House bill.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes \$8,000,000 for the Payment to the Asia Foundation account, the amount provided in the House bill, instead of \$5,000,000, as provided in the Senate bill.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY
ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes \$41,500,000 for the Arms Control and Disarmament Agency (ACDA), as proposed in the House bill, instead of \$32,613,000 as proposed in the Senate bill. Funds are provided for operating expenses of ACDA, with the expectation that \$1,000,000 will not be required for operations and will be available for the Comprehensive Test Ban Treaty Preparatory Commission. These funds are to be expended subject to the same conditions as the funds provided for this purpose under Contributions to International Organizations for transfer to International Conferences and Contingencies. The Agency is directed to provide a detailed financial plan to the Committees within 30 days of enactment of this Act, setting forth how these funds will be distributed to fund basic operating expenses and the Preparatory Commission. Funding for activities other than basic operating expenses and the aforementioned amount for CTBT that are identified in the financial plan will be subject to section 605 of this Act. Any variation from the plan that falls within the reprogramming criteria of section 605, including spending for activities that do not constitute operating expenses, shall be subject to reprogramming. If the Agency is contemplating changes to its financial plan, the Agency is expected to consult with the Committees to determine whether those changes fall within the reprogramming criteria prior to undertaking such changes.

ARMS CONTROL AND DISARMAMENT AGENCY
ARMS CONTROL AND DISARMAMENT ACTIVITIES
(RESCISSION)

The conference agreement includes a rescission of \$700,000 of no-year funds available to ACDA that were not expended as of the end of fiscal year 1997. This rescission was not included in either the House or Senate bills.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

The conference agreement includes \$427,097,000 for International Information Programs of the United States Information Agency (USIA) as proposed in the Senate bill, instead of \$430,597,000, as proposed in the House bill. All other bill language, which is identical in the House and Senate bills, is included in the conference agreement, except for one modification to assure that fees from educational advising and counseling, and exchange visitor program services may be credited to this appropriation in the absence of an authorization. The conferees intend that the remaining program direction included in both the House and Senate reports be followed.

TECHNOLOGY FUND

The conference agreement includes \$5,050,000 for the Technology Fund, as proposed in the House bill, instead of \$10,000,000 as proposed in the Senate bill. The conferees intend that the program direction included in the House Report be followed.

EDUCATIONAL AND CULTURAL EXCHANGE
PROGRAMS

The conference agreement includes \$197,731,000 for Educational and Cultural Exchange Programs, instead of \$193,731,000 as proposed in the House bill, and instead of \$200,000,000 as proposed in the Senate bill. The conference agreement also provides that not to exceed \$800,000 may be credited to this appropriation from fees and other payments. The conference agreement includes bill language which ensures that fees from educational advising and counseling may be credited to this appropriation in the absence of an authorization.

The conferees intend that within this amount, \$94,236,000 shall be for Fulbright Academic Exchanges, and \$103,495,000 shall be for other exchange programs and support. USIA shall provide funds for the Mansfield Fellowships, the Irish Management Center, and the U.S./Mexico Conflict Resolution Center at the levels provided in the Senate report.

The conferees expect that a proposal for the distribution of the available resources among exchange programs will be submitted through the normal reprogramming process prior to final decisions being made. This distribution should include funding, to the maximum extent possible, for all programs specifically mentioned in the House and Senate reports. In addition, the conferees encourage USIA to consider proposals to fund exchanges and exchange-related activities in support of the Women's World Cup and the Vietnam Challenge multi-sport event.

With respect to exchanges with the newly independent states of the former Soviet Union, the conferees expect that funding will be distributed equitably among high-school, college, graduate, and post-graduate programs.

The conferees understand that USIA plans to open up the administration of the Fulbright senior scholar program for competition in 1998. The conferees encourage USIA to conduct this and future competitions in

such a way as to take maximum advantage of the unique competitive strengths of eligible exchange organizations that have expertise and experience in specific regions of the world.

The conferees expect that USIA will ensure that Federal funding for exchange programs will be used to support the actual exchange of participants to the maximum extent possible by cost-sharing with other governments, by entering into partnerships with private organizations that make available non-governmental resources, and by eliminating funding of administrative costs that do not demonstrably enhance the number or duration of exchanges.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 1998 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 1998 to be used for necessary expenses of the Israeli Arab Scholarship Program.

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes \$364,415,000 for International Broadcasting Operations, instead of \$391,550,000 as proposed in the House bill, and instead of \$339,655,000 as proposed in the Senate bill. The conference agreement adopts the approach proposed in the Senate bill for broadcasting to Cuba. No funds for broadcasting to Cuba are included under this account, as proposed by the House, but rather, all funding for broadcasting to Cuba is included under a separate account, as proposed by the Senate, consistent with the fiscal year 1997 appropriations Act.

The conference agreement includes \$24,960,000 for the expansion of broadcasting to China by Radio Free Asia and the Voice of America. The conference agreement includes bill language making \$12,100,000 of this amount available until expended for one-time capital costs associated with this initiative. The conference agreement does not include the Senate report language earmarking \$20,000,000 for Radio Free Asia. USIA and the Broadcasting Board of Governors shall provide the Committees with a detailed plan for expenditure of funds for the expansion of broadcasting to China for consideration under usual reprogramming procedures.

Within the total amount provided for international broadcasting operations, the conferees agree that \$4,000,000 shall be for the development of a Farsi-language surrogate broadcasting service to Iran.

The conference agreement does not include language in the Senate bill making not to exceed \$10,000,000 available only on a dollar-for-dollar basis when matched with the proceeds of sales of advertising air time. The conference agreement includes bill language providing not to exceed \$2,000,000 from advertising receipts and revenue from business ventures; not to exceed \$500,000 in receipts from cooperating international organizations; and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, as proposed in the House bill. The conference agreement includes a modification to the House bill language to ensure

that receipts may be credited to this appropriation in the absence of an authorization.

The conferees expect that the Committees will be notified of the final distribution of funding among the activities under this account pursuant to the normal reprogramming procedures. To the extent that reductions are necessary, the conferees urge that priority be given to reductions to administrative costs and functions which do not have direct impacts on language service broadcast hours.

BROADCASTING TO CUBA

The conference agreement includes \$22,095,000 for Broadcasting to Cuba under a separate account, as proposed in the Senate bill, instead of the same amount within the total for International Broadcasting Operations, as proposed in the House bill.

RADIO CONSTRUCTION

The conference agreement includes \$40,000,000 for Radio Construction, as proposed in the House bill, instead of \$32,710,000, as proposed in the Senate bill. This account provides funding for the following activities: maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conference agreement includes \$10,000,000 to support the expansion of broadcasting to China, and includes the guidance and reporting requirements contained in the House report.

EAST-WEST CENTER

The conference agreement includes \$12,000,000 for operations of the East-West Center, instead of no funds, as proposed in the House bill, and \$22,000,000, as proposed in the Senate bill. Within this amount, the conferees agree that \$125,000 shall be for a grant to support efforts by the Maui Pacific Center to help Pacific nations maintain fish stocks.

NORTH/SOUTH CENTER

The conference agreement includes \$1,500,000 for operations of the North/South Center, instead of no funds, as proposed in the House bill, and \$3,000,000, as proposed in the Senate bill.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes \$30,000,000 for the National Endowment for Democracy, as proposed in both the House and Senate bills.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

Section 401.—The conference agreement includes section 401, as provided in the House bill, permitting use of funds for allowances, differentials, and transportation. The Senate bill contained a similar provision, with minor technical changes.

Sec. 402.—The conference agreement includes section 402, as provided in the House bill, dealing with transfer authority. The Senate bill contained a similar provision, with minor technical changes.

Sec. 403.—The conference agreement includes section 403, waiving provisions of existing legislation that require authorizations to be in place for the State Department, the United States Information Agency, including International Broadcasting Operations, and the Arms Control and Disarmament Agency prior to the expenditure of any appropriated funds. The Senate bill included a provision under section 403 stating that the U.S. Commissioner of the International Boundary Commission, U.S. and Canada, can be compensated only for actual hours worked. This provision is not included in the conference

agreement, since the language included in the fiscal year 1997 appropriations Act on this matter was permanent in effect. The House bill contained no provision on either of these matters.

Sec. 404.—The conference agreement includes a provision similar to provisions included in the House bill as sections 403 and 404 and in the Senate bill as section 406, establishing procedures and amounts for implementation of the International Cooperative Administrative Support Services (ICASS) program. The conference agreement provision provides for a transfer of \$2,800,000 less than was included in the House and Senate bills, and reduces the amounts transferred to other agencies by a like amount to take account of foreign exchange rate gains. The transfer of \$109,662,000 to other appropriations in fiscal year 1998 provides the necessary additional resources for administrative expenses paid out of those accounts in order to permanently shift ongoing budgetary responsibility to them.

The Senate bill contained as section 404 a provision that required costs incurred from personnel reductions taken in response to funding reductions in this Title to be absorbed within the total resources available to the agencies under this Title, and, subject to reprogramming procedures, permitting funds to be transferred between accounts to cover such costs. The House bill did not contain a similar provision. The conference agreement includes a provision that provides these authorities for all agencies funded under this Act under Title VI.

Sec. 405.—The conference agreement includes a provision to allow payment of a border equalization adjustment to approximately 20 employees of the Department of State and other agencies who are not members of the Foreign Service, live in the United States, but commute to work in locations in Mexico and Canada. This section will equalize pay for these employees based on the locality pay rates paid for service performed in the United States within the locality pay areas closest to the employees' foreign duty station.

The Senate bill included a provision under section 405 relating to certification of activities relating to Vietnam's cooperation on issues relating to prisoners of war and missing in action. The conference agreement addresses this issue under Title VI.

The conference agreement includes a short title for Title IV of the bill, as included in the Senate bill. The House bill did not include a short title.

TITLE V—RELATED AGENCIES DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

The conference agreement includes \$51,030,000 for payment of obligations incurred for the Maritime Administration (MARAD) operating differential subsidy program, as proposed in the House bill, instead of \$135,000,000 as proposed in the Senate bill.

MARITIME SECURITY PROGRAM

The conference agreement includes \$35,500,000 for the Maritime Security Program (MSP) as proposed in the House bill, instead of \$35,000,000 as proposed in the Senate bill. This program, funded under the allocation for national security programs, provides payments to maintain and preserve a U.S.-flag merchant fleet for the national security needs of the United States.

OPERATIONS AND TRAINING

The conference agreement includes \$67,600,000 for the Maritime Administration

Operations and Training account instead of \$65,000,000 as proposed in the House bill instead of \$69,000,000 as proposed in the Senate bill. Within this amount, the conferees intend that \$31,500,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, and that \$7,100,000 shall be for State Maritime Academies. The conference agreement does not specifically allocate the balance of the funds in this account among operating programs, general administration and additional training. The conferees expect that MARAD will submit to the Committees on Appropriations a plan for the expenditure of resources under this account.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides \$32,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of \$35,000,000 as proposed in the House bill, and \$29,000,000 as proposed in the Senate bill. This amount will subsidize a program level of not more than \$1,000,000,000 as proposed in both the House and Senate bills.

The conferees have also included \$3,725,000 for administrative expenses associated with the Maritime Guaranteed Loan Program, instead of \$3,450,000 as proposed in the House bill, and \$4,000,000 as proposed in the Senate bill. These amounts may be transferred to and merged with amounts under the MARAD Operations and Training account.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions contained in both the House and Senate bills involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides \$250,000 for the Commission for the Preservation of America's Heritage Abroad as proposed in the House bill, instead of \$206,000 as proposed in the Senate bill.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes \$8,740,000 for the salaries and expenses of the Commission on Civil Rights, as proposed in both the House and Senate bills.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

The conference agreement includes \$459,000 for the Commission on Immigration Reform as proposed in the Senate bill, instead of \$496,000 as proposed in the House bill.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes \$1,090,000 for the Commission on Security and Cooperation in Europe, as proposed in both the House and Senate bills.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$242,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission as proposed in the Senate bill, instead of \$239,740,000 as proposed in the House bill.

Within the total amount, the conference agreement includes \$27,500,000 for payments

to State and local enforcement agencies for services to the Commission, as provided in both the House and Senate bills.

The conferees agree with concerns expressed in both the House and Senate reports about the large backlog of cases, and about the allocation of scarce resources to litigation by the Commission in discrimination cases where complainants are already adequately represented by counsel in other fora. The conferees expect that the Commission's first priority will be the processing of charges, and urge that the Commission target its manpower and financial resources toward the prosecution of cases in which the underlying facts are not the subject of independent litigation before the private bar. The conferees further expect the Commission to submit reports as indicated in the House report.

FEDERAL COMMUNICATIONS COMMISSION SALARIES AND EXPENSES

The conference agreement includes a total of \$186,514,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of \$177,079,000 as proposed in the House bill, and \$185,949,000 as proposed in the Senate bill. Of the amounts provided, \$162,523,000 is to be derived from offsetting fee collections, as proposed in the Senate bill, instead of \$152,523,000 recommended in the House bill, resulting in a net direct appropriation of \$23,991,000, instead of \$24,556,000 included in the House bill, and \$23,426,000 included in the Senate bill.

The conference agreement includes language in both the House and Senate bills, and included in previous appropriations Acts, allowing fees in excess of the amounts specified to remain available for expenditure in future years. In addition, language is also included, as recommended in the House bill and included in previous appropriations Acts, allowing funds provided for research and policy studies to remain available for two years. The Senate bill made such funds available for one year.

The conferees are concerned about allegations which have been made regarding the proposed move of the FCC to the Portals building. Among the issues concerning the conferees are the recent actions by the FCC and the General Services Administration (GSA) to increase the size of the space to be occupied at the Portals above the congressionally-approved prospectus. This expansion has significantly increased the cost of the FCC's lease. The conferees are also concerned about the significant delays in the construction schedule. In the fiscal year 1997 budget submission, the FCC expected to be moved into the new Portals building in December 1997. The move is now slated to begin in March 1998. Therefore, the conferees request that the General Accounting Office (GAO) review these and other concerns about the Portals lease and the proposed FCC move and report back to the Congress no later than January 31, 1998.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$14,000,000 for the salaries and expenses of the Federal Maritime Commission, instead of \$13,500,000 as proposed in the House bill and \$14,300,000 as proposed in the Senate bill.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of \$106,500,000 for the Federal Trade Commission, instead of \$105,000,000 as proposed in the House bill and \$108,000,000 as

proposed in the Senate bill. The conference agreement assumes that of the amount provided, \$70,000,000 will be derived from fees collected in fiscal year 1998 and \$18,000,000 will be derived from estimated unobligated fee collections available from 1997. These actions result in a final appropriated level of \$18,500,000, instead of \$19,000,000 as proposed in the House bill and \$28,000,000 as proposed in the Senate bill.

Use of any unobligated fee collections from 1997 above \$18,000,000 are subject to the reprogramming requirements outlined in section 605 of this Act.

The conferees urge the Commission to retain the current standard for "Made in U.S.A." as stated in the House report.

The conferees are aware of concerns about the impact of alcohol advertising on underage drinking, and understand that the FTC is engaged in the ongoing monitoring of the advertising and marketing practices of manufacturers of beverage alcohol. The conferees expect the FTC to emphasize these activities, investigate when problematic practices are discovered, encourage the development of effective voluntary advertising codes, and report their findings back to the Committees on Appropriations.

GAMBLING IMPACT STUDY COMMISSION

SALARIES AND EXPENSES

The conference agreement provides \$1,000,000 for the salaries and expenses of the Gambling Impact Study Commission as proposed in the Senate bill, instead of no funding, as proposed in the House bill.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$283,000,000 for payment to the Legal Services Corporation, instead of \$250,000,000 as proposed in the House bill, and \$300,000,000 as proposed in the Senate bill.

The conference agreement provides \$274,400,000 for grants to basic field programs and independent audits, \$7,100,000 for management and administration, and \$1,500,000 for the Office of the Inspector General.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement contains language, included in both the House and Senate bills, continuing all statutory requirements and restrictions included in the fiscal year 1997 appropriations Act.

In addition, the conference agreement includes new provisions in section 501, as contained in the House bill, providing additional authority to the Corporation to terminate a grant award and institute a new grant competition if the existing grantee has been found to be in violation of statutory and regulatory requirements and restrictions. The Senate bill contained similar provisions. In addition, provisions are included in section 504, as contained in the House bill, to allow the Corporation to debar grantees from the competitive bid process in certain circumstances. The Senate bill contained similar provisions.

The conference agreement includes a provision, section 505, proposed in the House bill but not addressed in the Senate bill, requiring certain public disclosure reporting requirements related to litigation initiated by grantees of the Legal Services Corporation.

The conference agreement also includes a provision, section 506, proposed in the Senate bill but not addressed in the House bill, to ensure that income eligibility determinations in cases of domestic violence are made

only on the basis of the assets and income of the individual. The conferees are aware that the current statute and regulations of the Legal Services Corporation already provide for such determinations to be made in all cases, including domestic violence. However, given concerns regarding access to the legal system for victims of domestic violence, the conferees have included this provision to provide greater clarity regarding this matter. However, the conferees do not intend to in any way preclude such eligibility determinations in other cases made in accordance with current regulations and statute.

The conference agreement makes several technical changes to correct statutory citations and other technical differences included in the House and Senate bills.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes \$1,185,000 for the salaries and expenses of the Marine Mammal Commission instead of \$1,000,000 as proposed in the House bill, and \$1,240,000 as proposed in the Senate bill.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of \$315,000,000 for the Securities and Exchange Commission as proposed in the House bill, instead of \$317,412,000, as proposed in the Senate bill. The conference agreement includes bill language providing offsetting fees in accord with levels authorized in the National Securities Markets Improvement Act of 1996. These offsetting fees are expected to provide \$249,523,000 in fiscal year 1998. In addition, the conference agreement assumes the use of \$32,000,000 in carry-over funds from fiscal year 1997. These offsets result in a net direct appropriation of \$33,477,000 as proposed in the House bill, instead of \$35,889,000, as proposed in the Senate bill.

The conference agreement does not contain a provision in the House bill that fees collected in excess of \$249,523,000 shall remain available until expended, but shall not be available for obligation until October 1, 1998. These fees will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of \$254,200,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of \$235,047,000 as proposed in the House bill, and \$246,100,000 as proposed in the Senate bill.

In addition to amounts made available under this heading, the conference agreement includes \$94,000,000 for administrative expenses under the Business Loans Program Account and \$150,000,000 for administrative expenses under the Disaster Loans Program account. These amounts are transferred to and merged with amounts available under Salaries and Expenses, resulting in total funding of \$498,200,000 for SBA operating programs, noncredit and other initiatives.

The conference agreement provides a total of \$133,250,000 for SBA's regular operating expenses under this account, an increase of \$13,049,000 above the fiscal year 1997 level. This increase is provided as follows: \$2,000,000 for necessary expenses to implement the HUBZone proposal; \$3,049,000 for adjustments to base, including the full amount requested for Low Documentation processing centers; and \$8,000,000 is provided for initia-

tives to improve SBA's management and oversight of its loan portfolio. The increase for portfolio management and oversight is to be distributed as follows: (1) \$1,750,000 for staff and training for the Office of the Chief Financial Officer; (2) \$200,000 for SBA to contract with a private entity to provide technical and management support in developing and implementing a plan for modernization of SBA's information resource management systems; and (3) \$6,050,000 for information resource management systems. The conferees direct the SBA to submit a spending plan in accordance with section 605 of this Act prior to the expenditure of funds provided for these initiatives. Further, the conferees direct the SBA, with the exception of the Disaster Loans program, to reduce its travel by 50 percent from the fiscal year 1997 level.

The conference agreement includes the following amounts for noncredit programs:

Small Business Development Centers	\$75,800,000
SBDC Defense Transition ..	2,000,000
7(j) Technical Assistance ...	2,600,000
SCORE	3,500,000
Business Information Centers	500,000
Women's Demonstration ...	4,000,000
Women's Council	350,000
EZ/EC One Stop Capital Shops	3,100,000
Microloan Technical Assistance	14,500,000
US Export Assistance Centers	3,100,000
Regulatory Fairness Boards	500,000
Total	109,950,000

Small Business Development Centers (SBDC).—Of the amounts provided for SBDCs, the conferees have included \$1,000,000 to be used for the Environmental Compliance Project as directed in the House report, and \$35,000 for an Internet commerce study as directed in the Senate report. In addition, the conference agreement provides a \$1,300,000 increase to be used to provide a minimum allocation of \$500,000 for all States able to meet the appropriate matching requirements. The conferees do not intend for any State's allocation to be reduced from its fiscal year 1997 allocation under the current funding formula, and direct SBA to submit a reprogramming if additional funds are required to ensure that all eligible states receive the \$500,000 minimum allocation without reducing other States' funding.

In addition, the conference agreement includes language, as proposed in the House bill, making funds for the SBDC program available for two years.

Women's Demonstration and Women's Council.—The conferees provide funding for the Women's Demonstration Business Centers program at the requested level of \$4,000,000. The conferees intend that fourth year funding be provided for eligible existing sites subject to authorization, that new centers started in fiscal year 1997 will be funded at no less than their current level, and that three new sites will be added.

Of the amounts provided for the Women's Council, \$100,000 is to be used for federal procurement research projects included in the Senate report. In addition, the conferees direct that no more than 10% of the total amount provided for Women's Council activities be used for SBA administrative expenses and overhead charges.

Microloan Technical Assistance.—The conference agreement provides a total availability of \$16,500,000 for the Microloan Tech-

nical Assistance program in fiscal year 1998, the same level as recommended in both the House and Senate bills. Of these amounts, \$14,500,000 is provided in direct appropriations and \$2,000,000 is to be derived by transfer from the unobligated balances in the Microloan Direct loan program, as provided in the House bill and requested in the budget. The Senate bill provided \$16,500,000 in direct appropriations and did not assume this transfer of funds.

The conference agreement provides no funds for Advocacy Research. However, the conferees would be willing to entertain a reprogramming subject to section 605 of this Act to maintain activities approved in fiscal year 1997. In addition, the conference agreement includes no funds for the Survey of Women Owned Businesses, but would be willing to entertain a reprogramming subject to section 605 of this Act for this activity.

The conference agreement adopts language included in the House report directing the SBA to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

In addition, the conference agreement includes the following small business initiatives: \$3,000,000 for infrastructure to develop a facility for small business development; \$3,000,000 for continuation of an outreach program to assist small business development; \$2,000,000 to develop a facility to increase small business opportunities and economic development; \$1,500,000 to develop a facility and operate an institute for small business and workforce development; \$1,000,000 for continuation of a small business incubator; and \$500,000 for continuation of a program for small business consulting and technical assistance.

Further, the conferees expect that all procurement center representatives will report to the Area Directors of the Government Contracting Area Offices.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$10,000,000 for the SBA Office of Inspector General, instead of \$9,490,000 as proposed in the House bill and \$10,600,000 recommended in the Senate bill.

Further, as proposed in both the House and Senate bills, an additional \$500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the disaster loans program.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes \$181,232,000 in subsidy appropriations under the SBA Business Loans Program Account, the same amount recommended in the Senate bill, instead of \$187,100,000 as proposed in the House bill, and \$173,235,000 as requested in the budget. Of these amounts, \$45,000,000 is to remain available for two years, as proposed in the House bill.

7(a) General Business Loans.—The conference agreement provides \$161,000,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, as proposed in the Senate bill, instead of \$167,000,000 as proposed in the House bill, and \$153,003,000 requested in the budget. When combined with \$35,700,000 in prior year unobligated balances and additional recoveries, this amount will subsidize a program level of \$10,191,710,000 at the fiscal year 1997 subsidy

rate of 1.93%, instead of an \$8,500,000,000 program level requested in the President's budget. In addition, the conference agreement includes a new provision, not included in either the House or Senate bills requiring the SBA to notify the Committees on Appropriations in accordance with section 605 of this Act prior to providing a total program level greater than \$10,000,000,000.

Small Business Investment Companies (SBIC).—The conference agreement provides \$20,232,000 for the SBIC debenture and participating securities programs, as proposed in the Senate bill, instead of \$20,100,000 as proposed in the House bill. Of these amounts, for the participating securities program, \$11,580,000 is provided in subsidy appropriations which, when combined with \$5,800,000 in prior year carryover, will result in a total program level of \$684,253,000 in fiscal year 1998. In addition, for the debentures program, \$8,652,000 is provided which, when combined with \$3,800,000 in prior year carryover, will result in a total program level of \$541,391,000 in fiscal year 1998.

Microloan Direct and Guaranty Programs.—The conference agreement does not include new appropriations for the Microloan Direct Loan Program or the Microloan Guaranty Program, as none was requested. The conferees assume that \$2,000,000 of the \$6,000,000 in carryover in the Direct Loan Program will be transferred to the Salaries and Expenses Account for Microloan Technical Assistance Grants, with the remainder to be used for direct loans in fiscal year 1998. In addition, the conferees assume that the \$3,800,000 in carryover in the Guaranty Program will be used for guaranteed loans in fiscal year 1998. The conferees expect the SBA to follow the reporting requirement included in the House report regarding this program.

In addition, the conference agreement includes \$94,000,000 for administrative expenses to carry out the direct and guaranteed loan programs, as proposed in both the House and Senate bills, and makes such funds available to be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of \$173,200,000 for this account, of which \$23,200,000 is for the subsidy costs for disaster loans, and \$150,000,000 is for associated administrative expenses. The Senate bill provided \$173,200,000 only for administrative expenses, as requested in the budget, while the House bill provided a total of \$199,100,000 for both loan subsidy costs and associated administrative expenses.

For disaster loans, the conference agreement assumes that the \$23,200,000 subsidy appropriation, when combined with \$185,000,000 in carryover balances, will provide a total disaster loan program level of \$887,468,000. The conferees note that the budget requested no funds for the disaster loan program, proposed to increase the interest rate charged to disaster loan victims, a proposal which has been rejected previously by the Congress, and requested a program level of only \$785,000,000, a level well below the average need in previous fiscal years. The conferees believe the Administration should take actions to more realistically assess the level of need for the disaster loans program and budget accordingly. Therefore, to ensure sufficient funds are available for disaster victims, the conferees have included additional appropriations in fiscal year 1998 for disaster loans, while reducing the amounts available for administrative overhead.

The conference agreement includes \$150,000,000 for administrative expenses for

the disaster loans program, instead of \$173,200,000 as requested in the budget. The conferees expect any shortfall in these funds to be made up through additional recoveries throughout the year. The conferees remind SBA that such recoveries are subject to the reprogramming procedures set forth in section 605 of this Act.

Of the amounts provided for administrative expenses, \$500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the disaster loans program.

SURETY BOND GUARANTEES REVOLVING FUND

The conference agreement provides \$3,500,000 for additional capital for the SBA Surety Bond Guarantees Revolving Fund as proposed in both the House and Senate bills.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts, as provided in both the House and Senate bills.

STATE JUSTICE INSTITUTE SALARIES AND EXPENSES

The conference agreement provides \$6,850,000 for the salaries and expenses of the State Justice Institute (SJI) instead of \$3,000,000 as proposed by the House, and \$13,550,000 as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Section 601.—The conference agreement includes section 601, identical in both the House and Senate versions of the bill, regarding the use of appropriations for publicity or propaganda purposes.

Section 602.—The conference agreement includes section 602, identical in both the House and Senate versions of the bill, regarding the availability of appropriations for obligation beyond the current fiscal year.

Section 603.—The conference agreement includes section 603, identical in both the House and Senate versions of the bill, regarding the use of funds for consulting services.

Section 604.—The conference agreement includes section 604, identical in both the House and Senate versions of the bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Section 605.—The conference agreement includes section 605, as included in the House version of the bill and similar to the provision in the Senate version of the bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes.

Section 606.—The conference agreement includes section 606, identical in both the House and Senate versions of the bill, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Section 607.—The conference agreement includes section 607 regarding the purchase of American-made products, as provided in both the House and Senate bills.

Section 608.—The conference agreement includes section 608 which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993, as provided in both the House and Senate bills.

Section 609.—The conference agreement includes a provision, which modifies language proposed in the House bill as section 609 and in the Senate bill as section 405, that prohibits use of funds to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues. The conference agreement applies this provision to this fiscal year and to funds provided in this Act, as proposed in the House bill, instead of permanent and to funds provided in this or any other Act, as proposed in the Senate bill.

It requires that the President make the certification within 60 days, as proposed in the House bill, instead of within 60 days of the beginning of each fiscal year, as proposed in the Senate bill.

It requires that the President certify that Vietnam is fully cooperating in good faith, instead of cooperating in full faith as proposed in the House bill, and fully cooperating as proposed in the Senate bill.

It requires that the certification be based on all information available to the United States Government as proposed in the House bill instead of based on a formal assessment of all information available to the United States Government as proposed in the Senate bill.

And it requires that an additional issue be included in the certification, namely, that relevant material associated with prisoners of war and missing in action recovered from Southeast Asia and available to the U.S. government is being thoroughly analyzed by the appropriate laboratories with the intent of providing surviving relatives with scientifically defensible, legal determinations of death or other accountability that are fully documented and available in unclassified and unredacted form to immediate family members, as proposed in the Senate bill, instead of no language on this issue, as proposed in the House bill. The conferees note that preparing material with the intent to provide does not mean actually providing such material, if doing so would violate existing laws or national security concerns. The conferees do not intend that actions taken with respect to the directives in the bill on the intent to provide unclassified and unredacted materials to family members violate either existing laws or national security policies. The purpose of this last certification criterion is to reinforce the valuable and important work that is being carried out by the individuals, task forces and laboratories under the most difficult of circumstances, and to ensure that they have sufficient resources to carry out their work. With sufficient resources, these laboratories can carry out their mission of analyzing evidence and providing information to surviving relatives, a mission they are currently carrying out with great professionalism and dedication.

Sec. 610.—The conference agreement includes section 610, which repeats language contained in the fiscal years 1996 and 1997 appropriations Acts, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 611.—The conference agreement includes section 611 which prohibits the use of

funds to provide certain amenities for Federal prisoners as provided for in both the House and Senate bills.

Sec. 612.—The conference agreement includes a modified version of section 612 restricting the use of funds provided under the National Oceanic and Atmospheric Administration Fleet Modernization account proposed in the House bill. The Senate bill deleted this provision. The modification permits NOAA to develop long term plans to support its fisheries research requirements.

Sec. 613.—The conference agreement includes section 613, as proposed in the House bill, which requires agencies and Departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or Department. The Senate bill included this same provision as section 610.

Sec. 614.—The conference agreement includes section 614, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material to a prisoner when it is made known that such information or material is sexually explicit or features nudity. Both the House and the Senate bills included this section, but the Senate bill included this as section 611.

Sec. 615.—The conference agreement includes section 615, similar to language proposed by the House bill and proposed by the Senate bill under section 120, which limits funding under the Local Law Enforcement Block Grant to 90 percent, to an entity that does not provide public safety officers injured in the line of duty and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The language has been modified to clarify the expected level of health benefits intended by the provision.

Sec. 616.—The conference agreement includes section 616, which prohibits funds available in this Act from being used to issue or renew a fishing permit or authorization for any vessel more than 165 feet long or greater than 750 gross tons, and with more than 3,000 shaft horsepower to engage in fishing for Atlantic mackerel or herring. In addition, vessels above these thresholds are prohibited from engaging in the catching, taking, or harvesting of fish in any other fishery within the United States exclusive economic zone (EEZ) (except territories) unless a certificate of documentation had been issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997 and such endorsement is still valid. In addition, language is included to nullify any fishing permit or authorization issued prior to enactment of this Act for vessels prohibited under this section from engaging in the fishing of Atlantic mackerel or herring, and prohibiting funds from being expended to issue a new permit or authorization to allow such a vessel whose Atlantic mackerel or herring permit has been nullified under this section from engaging in the catching, taking, or harvesting of fish in any other fishery within the U.S. EEZ. The House bill contained a provision prohibiting vessels of such length from fishing in the Atlantic herring or mackerel fishery. The Senate bill contained no provision addressing these matters.

Sec. 617.—The conference agreement includes section 617, similar to language proposed in the House bill, that allows persons who prevail in a Federal criminal case to recover attorney's fees and other litigation

costs if the court finds that the position of the United States was vexatious, frivolous or in bad faith. The conferees understand that a grand jury finding of probable cause to support an indictment does not preclude a judge from finding that the government's position was vexatious, frivolous or in bad faith. The provision provides that the procedures and limitations of the Equal Access to Justice Act apply, except with regard to burden of proof, and that certain evidence may be received ex parte and in camera and kept under seal for the court to make this determination. Fees and expenses awarded under this provision shall be paid by the agency over which the party prevails, from any funds made available by appropriation to the Department of Justice.

Sec. 618.—The conference agreement includes a provision, Section 618, as contained in the House bill, prohibiting funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type.

The conferees do not intend for this provision to prevent the United States Government from taking necessary actions in accordance with the requirements and remedies available under applicable U.S. trade laws and international trade agreements to ensure non-discriminatory treatment of U.S. products. Further, the conferees do not intend to prohibit the use of funds for routine international trade services available to all U.S. citizens such as the provision of publicly available information on foreign country conditions and policies, information or assistance that may help U.S. firms or individuals comply with foreign government laws or regulations, the processing of export trade certificate of review applications, and assistance in assuring fair treatment of U.S. companies by foreign governments in transactions such as customs clearance and intellectual property rights enforcement.

Sec. 619.—The conference agreement includes a provision prohibiting the use of funds to pay for the expenses of an election officer appointed by the court to oversee the election of any officer or trustee of the International Brotherhood of Teamsters, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 620.—The conference agreement includes section 620, numbered as section 612 in the Senate bill, which repeals a portion of a 1900 appropriations Act which prohibited telegraph or cable lines owned by foreign citizens or foreign corporations or governments from being established or permitted to enter Alaska. The House bill contained no similar provision.

Sec. 621.—The conference agreement includes section 621, similar to section 613 of the Senate bill, which prohibits funds from being used to issue a visa to any alien involved in extrajudicial and political killings in Haiti. Specifically, the provision prohibits issuance of a visa to any person who (1) has been credibly alleged to have ordered, carried out, or assisted in extrajudicial and political killings of 16 named individuals; (2) was included in the list presented to former President Aristide by former National Security Advisor Anthony Lake; (3) was sought by the FBI in relation to political or extrajudicial killings; (4) was involved in the September 1991 coup or murders occurring between 1991 and 1994; or (5) has been credibly alleged to have been a member of

the paramilitary organization known as FRAPH. The provision gives the Secretary of State authority to make exceptions on a case-by-case basis. The provision also includes several reporting requirements by the Secretary of State to the House International Relations and Appropriations Committees and the Senate Foreign Relations and Appropriations Committees. The House bill contained no similar provision.

The conference agreement does not include a provision included in the House bill as section 621, which would have prohibited the expenditure of funds to conduct research on the medicinal use or legalization of marijuana or any other schedule I drug. The conferees understand the Department of Justice has no intention of conducting any research of this nature and direct the Attorney General to notify the Committees on Appropriations of both the House and Senate under the reprogramming procedures set forth in section 605 of the Act, should any intention to study this matter arise.

Sec. 622.—The conference agreement includes a provision, section 622, not included in either the House or Senate bills, repealing section 3006 of P.L. 105-33 regarding the withholding of payments to the Universal Service Fund.

Sec. 623.—The conference agreement includes a provision, section 623, not included in either the House or Senate bills, requiring the Federal Communications Commission (FCC) to review and report to the Congress no later than April 10, 1998 regarding implementation of the universal service provisions of the Telecommunications Act of 1996.

Sec. 624.—The conference agreement includes a technical correction relating to the fiscal year 1998 Interior Appropriations bill changing the quorum requirement of the National Council of the Arts to 8.

Sec. 625.—The conference agreement includes a technical correction relating to the fiscal year 1998 Legislative Appropriations bill authorizing the appropriation for the Senate Drug Caucus.

Sec. 626.—The conference agreement includes a provision providing for the sale, at fair market value, of the existing fleet of leased vehicles at the Naval Petroleum Reserve Numbered 1 (Elk Hills) to the successful buyer of the Reserve, with the proceeds from such sales to be returned to the General Services Administration's "General Supply Fund."

Sec. 627.—The conference agreement includes a technical correction relating to the National Indian Gaming Commission in connection with the fiscal year 1998 Interior Appropriations bill.

Sec. 628.—The conference agreement includes a provision regarding relief for an individual who failed to file a timely appeal of dismissal with the Department of Agriculture.

Sec. 629.—The conference agreement includes a provision which permits previously appropriated funds to be used in conjunction with the Small Business Investment Act of 1958.

Sec. 630.—The conference agreement includes a provision to permit the White Mountain National Forest (WMNF) to proceed with developing its next Forest Plan. The conferees recognize that WMNF is a heavily visited National forest and its last Forest Plan was completed in 1986. The Forest Plan is due to be revised every ten to fifteen years and is essential to the welfare and health of the forest. The WMNF has a long and successful history of achieving a wide

consensus balancing wildlife habitat, wilderness protection, clean water and viable timber industry. The conferees allow the WMNF to proceed with revising its Forest Plan.

Sec. 631.—The conference agreement includes a provision to allow the nomination of a Federal Election Commissioner to move forward.

Sec. 632.—The conference agreement includes a provision relating to a land transfer by the Secretary of Energy to Los Alamos County, New Mexico and to the Secretary of Interior, in trust for the Pueblo of San Ildefonso.

Sec. 633.—The conference agreement includes a provision providing authority to the Secretary of Agriculture to use up to \$6,000,000 from the sale of grain in the disaster reserve to implement a livestock indemnity program to pay for losses from natural disasters pursuant to a Presidential or Secretarial declaration.

Sec. 634.—The conference agreement includes a provision providing that up to \$800,000 from funds available to the Department of Defense (DOD) in fiscal year 1998 may be used to compensate for commercial cranberry crop losses resulting from environmental contamination near the Massachusetts Military Reservation ("MMR"), in bogs fed by groundwater contaminated by ethylene dibromide ("EDB") emanating from MMR. DOD may provide compensation if a claimant demonstrates a commercial loss in 1997 of cranberry crops in the Mashpee or Falmouth bogs, located on the Quashnet and Coonamessett rivers, respectively, if DOD determines that the loss results from the presence of EDB in or on cranberries in either of those bogs from the EDB-contaminated plumes of groundwater known as "FS 1" or "FS 28."

TITLE VII—RESCISSIONS
DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
WORKING CAPITAL FUND
(Rescission)

The conference agreement includes a rescission of \$100,000,000 from unobligated balances under this heading, instead of \$30,310,000 as proposed in the Senate bill. The House bill did not include a rescission from this account.

TITLE VIII—EMERGENCY
SUPPLEMENTAL APPROPRIATIONS
NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes \$7,000,000 in emergency supplemental appropriations, not included in either the House or Senate bills, to provide emergency disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act for the Bristol Bay and Kuskokwim areas of Alaska.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follows:

New budget (obligational) authority, fiscal year 1997	\$30,230,160,000
Budget estimates of new (obligational) authority, fiscal year 1998	35,657,937,000
House bill, fiscal year 1998	31,786,493,000
Senate bill, fiscal year 1998	31,653,555,000

Conference agreement, fiscal year 1998	31,816,907,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1997	+1,586,747,000
Budget estimates of new (obligational) authority, fiscal year 1998	-3,841,030,000
House bill, fiscal year 1998	+30,414,000
Senate bill, fiscal year 1998	+163,352,000

HAROLD ROGERS,
JIM KOLBE,
RALPH REGULA,
MIKE FORBES,
TOM LATHAM,
BOB LIVINGSTON,
ALAN B. MOLLOHAN,
DAVID E. SKAGGS
(except for sections
209, 210, 502, and
505),

JULIAN C. DIXON,
Managers on the Part of the House.

JUDD GREGG,
TED STEVENS,
PETE DOMENICI,
MITCH MCCONNELL,
KAY BAILEY HUTCHISON,
BEN NIGHORSE
CAMPBELL,
THAD COCHRAN,
FRITZ HOLLINGS,
DANIEL INOUE,
DALE BUMPERS,
FRANK LAUTENBERG,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,

Managers on the Part of the Senate.